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Future of the Welfare State: I

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Charles A. Murray

Social Programs and Social Obligations
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The Three Cultures
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The two wars against poverty: economic growth and the Great Society

CHARLES A. MURRAY

Most people, including most scholars, think the War on Poverty began with a formal declaration by Lyndon Johnson in 1964. In a sense this is true, for there was in fact no formal governmental decree before that time. Academic researchers have chosen to conduct their statistical analyses of poverty within this narrow time frame, producing books with titles like *A Decade of Federal Antipoverty Programs* (published in 1977), or *Progress Against Poverty: A Review of the 1964-1974 Decade*. And so persuasive has this scholarly conception of recent history been that public debate over the Reagan administration's domestic agenda has been based on the widespread assumption that only beginning in 1964 were great strides made toward the elimination, or at least the alleviation, of poverty in America.

Editors' note: The Public Interest *has asked a distinguished group of authors to contribute their thoughts on "the future of the welfare state." The remaining articles, which will be published in the Winter 1983 issue, include: Nathan Glazer on voluntarism, Leslie Lenkowsky on defining poverty, Mary Jo Bane on the family, and Clifford Orwin on the idea of dignity. We also hope to reprint Alexis de Tocqueville's overlooked "Memoir on Pauperism," with a new introduction by Gertrude Himmelfarb.*

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But in another sense this view is profoundly misleading. One cannot make a thoroughgoing statistical analysis of the War on Poverty—specifically, of the Great Society's efforts to eliminate it—if one does not examine the statistics on poverty *before* the Great Society. Only by doing this can we begin to understand both the effects of the War on Poverty and our present situation.

The data for such an analysis are readily available. As we look back, the figures, unless otherwise noted, will be drawn from the standard publications of the Bureau of the Census: the annual *Statistical Abstracts of the United States, Historical Statistics of the United States,* and the decennial census reports.

The purpose here is not to gain converts to one interpretation of recent social history, but to bring to the surface some of the empirical reasons for questioning whether the reforms of the Great Society were a good idea *for the poor.* The issue is too important to be left, as it generally has been, to political rhetoric and politicized statistics.

The measures: official poverty

When news reports cite percentages of "people living in poverty," they are drawing from the official definition of the "poverty line" established in 1964 by a task force in the Social Security Administration. The poverty line is, in effect, set at three times the cost of an adequate diet, and is adjusted for inflation, a variety of family characteristics, and one's location (rural or nonrural).

This measure has been attacked as niggardly by some and as overly generous by others. Almost everyone agrees that it fails to capture the important differences in the quality of life between a family living at the poverty line in the South Bronx, for example, and a family with the same income that lives in a less punishing environment. But this measure of poverty has its merits nonetheless. It is widely known, it takes family size and inflation into account, and it provides a consistent measure for examining income over time. I will use it to discuss the history of three different "types" of poverty: official poverty, net poverty, and latent poverty (see figure).

The most widely used measure of poverty is the percentage of people with cash incomes that fall beneath the poverty line before taxes, but after taking cash income transfers from government into account. We shall call it *official poverty* because it is the measure reported by the Bureau of the Census.

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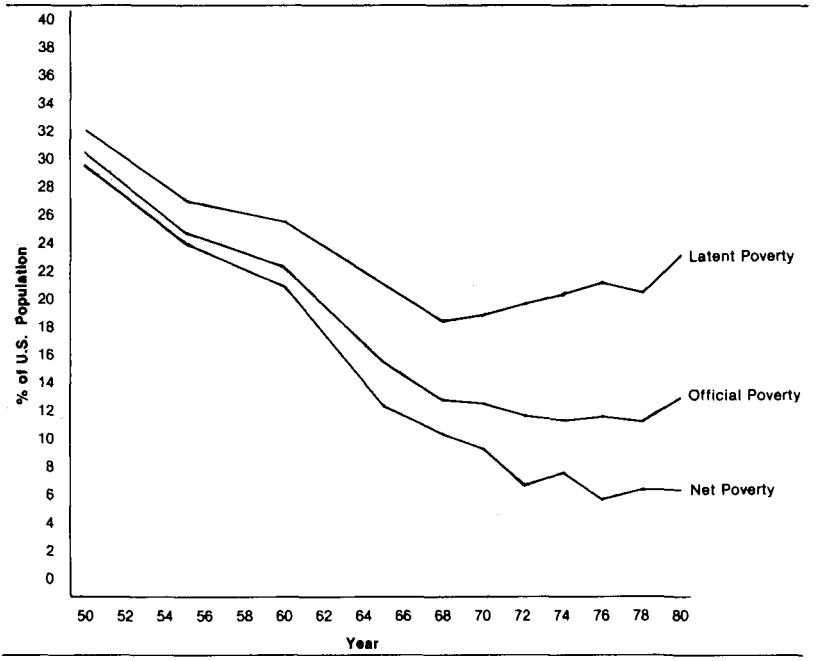
Three Measures of Poverty, 1950 to 1980[1]



1 Sources: Figures for 1965-78 are taken from Sheldon Danziger and Robert Plotnick, "The War on Income Poverty: Achievements and Failures," in *Welfare Reform in America*, ed. P. Sommers (Hingham, Mass.: Martinus Nijhoff, 1982). Danziger and Plotnick report Smeeding's computations for net poverty. Official poverty figures for 1950, 1955, and 1960 are taken from "Economic Report to the President: Combating Poverty in a Prosperous Economy," (January 1969), reprinted in U.S. Department of Health, Education and Welfare, *The Measure of Poverty*, ed. M. Orshansky, Technical Paper I, vol. 1 (n.d.). Net and latent poverty for 1950, 1955, and 1960 are fitted values based on the known percentage of official poor and known amounts of cash income benefit payments and budgets for in-kind benefits. See text and notes. 1980 figures for official and estimated latent poverty were obtained from the Poverty Statistics Section of the Bureau of the Census. 1980 figures for net poverty and latent poverty were obtained from personal communication with Danziger.

Conventional wisdom has it that, at least according to this one measure, the 1960's and 1970's brought economic progress for the poor. The most widely shared view of recent events is that the United States entered the 1960's with a large population that had been bypassed during the prosperity of the Eisenhower years. The rich and the middle class gained but the poor did not. Then, after fits and starts during the Kennedy years, came the explosion in the number and size of social programs under Johnson. The programs were perhaps too ambitious, it is widely conceded, and perhaps some of the efforts were misdirected, but at least they put a big dent in the poverty problem; this can be seen, it is said, in the large reduction in poverty that occurred during LBJ's administration and thereafter. The Great Society reforms were seen to have produced results that Eisenhower's "trickle-down" economics had not.

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The essential assertion of this view is that poverty decreased during the War on Poverty and had not been decreasing as rapidly before this period. It is a simple assertion, for which the data are a matter of historical record, and it is only half right.

Poverty did indeed fall during the five Johnson years, from 18 percent of the population in 1964 to 13 percent in 1968, his last year in office. Yet this was scarcely an unprecedented achievement. Between 1949 and 1952, poverty had already begun to fall from 33 to 28 percent. Under Eisenhower it fell to 22 percent. Under Kennedy and Johnson it dropped to 18 percent by 1964. In short, the size of the official "impoverished" population dropped by twenty percentage points in twenty years, of which the five Johnson years accounted for precisely their fair share, five points.[1]

Then, after two decades of reasonably steady progress, improvement slowed in the late 1960's and stopped altogether in the 1970's. A higher percentage of the American population was poor in 1980, in terms of cash income, than at any time since 1968. The percentage dipped as low as 11.1 percent in 1973, but by 1980 it stood at 13.0 percent and was heading upward.

When this history of the official poverty level is placed alongside the history of social welfare expenditures, a paradox appears. Social welfare expenditures had been increasing at a steady rate through the Eisenhower, Kennedy, and early Johnson years. But it was not until the budgets of 1967 and 1968 that the Johnson programs were reaching enough people to have a marked impact on the budget; it was then that social welfare expenditures started to take off. So just at the time when the reforms of the mid-1960's were being implemented, progress in reducing poverty began grinding to a halt!

The paradox is even more pronounced when we remember what it is we are measuring. If the measure were of chronic joblessness, for example, the flattening curve we see in the figure would be understandable: It often is harder to fix the last 10 percent of a problem than the first 90 percent. But in this case, "official poverty" is simply a measure of cash income *after* taking government transfers into account. To eliminate official poverty, all we need

[1] Data for 1959 through 1979 are taken from the figures published annually in the *Statistical Abstract of the United States*. Figures for 1949 through 1958 are taken from "Economic Report to the President: Combating Poverty in a Prosperous Economy," (January 1969), reprinted in U.S. Department of Health, Education and Welfare, *The Measure of Poverty*, ed. M. Orshansky, Technical Paper I, vol. 1 (n.d.), p. 349, Chart 10. The percentage for 1980 was obtained directly from the Poverty Statistics Section of the Bureau of the Census.

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do is mail enough checks with enough money to enough people. Starting in the late 1960's, the number of checks, the size of the checks, and the number of beneficiaries all began to increase. Even if we ignore increased in-kind expenditures such as housing, food stamps, and medical care (which are not included in this definition), and discount administrative costs and the effects of inflation, the federal government increased its real cash-benefit payments for income maintenance programs by more than two-thirds during the 1970's.

Furthermore, the antipoverty programs of the 1970's had a much smaller target population than those of earlier, smaller budgets. In 1950 there were an estimated 46 million people living beneath the poverty line (as it was subsequently defined); in 1960 there were 40 million, and in 1970 only 25 million. Given these conditions—more money and fewer people—progress begun during the 1950's and 1960's should have accelerated in the 1970's instead of slowing, stopping, and then reversing.

Net poverty

The official poverty statistic is based only on cash income. In-kind assistance—food programs, housing, medical care—is not included. Yet this assistance has been the fastest-growing component of the social welfare budget, rising from $2.2 billion in 1965 to $72.5 billion in 1980. If the dollar value of these benefits is computed and added to cash income, this new measure may be called *net poverty*: The percentage of the population remaining beneath the poverty level after all resources—cash and in-kind, earned and unearned—are taken into account.[2]

In 1950, in-kind transfers were quite small, so the percentage of official poor (30 percent) was nearly identical to the percentage of net poor. This situation continued into the early 1960's as net poverty decreased at roughly the same rate as official poverty. By 1968, the gap between official poverty (12.8 percent) and net poverty (10.1 percent) was quite small.

Unlike changes in official poverty, however, large decreases in net

[2] The figures are taken from Timothy M. Smeeding, "Measuring the Economic Welfare of Low-Income Households and the Antipoverty Effectiveness of Cash and Noncash Transfer Programs," (Ph.D. Diss., Department of Economics, University of Wisconsin-Madison, 1975); Smeeding, "The Antipoverty Effectiveness of In-Kind Transfers," *Journal of Human Resources*, 12 (1977): 360-378; and Smeeding, "The Anti-poverty Effect of In-Kind Transfers: A 'Good Idea Gone Too Far?'" *Policy Studies Journal*, 10, no. 3 (1982): 499-522.

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poverty continued into the early 1970's. Then, from 1972 until 1980, the trendline flattened, just as that for official poverty had a few years earlier. In 1980, net poverty stood at 6.1 percent of the population, compared to 6.2 percent in 1972, despite the fact that expenditures on in-kind assistance had tripled (in constant dollars) during the 1970's.

The concept of net poverty is ambiguous. Taken by itself, 6.1 percent represents a near victory over poverty; it is a very small proportion of the population. But a citizen who lives in a black or Hispanic ghetto, for example, may be forgiven for arguing that poverty has not come within 6.1 percentage points of vanishing. We must consider what it really means to live at or near the poverty level through in-kind support.

It means, to begin with, living in housing projects or other subsidized housing. Given their cost, most of these units ought to provide decent, comfortable housing, but in practice public housing is among the most vandalized, crime-ridden, and least livable housing in the country. It means relying on food stamps. In theory, food stamps can purchase the foods necessary for a nutritious diet, but in practice they can also purchase junk food or expensive processed foods, or they can be misused in other ways. It also means paying for medical care through Medicaid or Medicare, which have concrete value only if the recipient is sick.

In short, having the resources for a life that meets basic standards of decency is not the same as actually living such an existence. Whether this is the fault of the welfare system or the recipient is not at issue; it is simply a fact that must be kept in mind when interpreting the small, encouraging figure of 6.1 percent.

But the economic point remains: As of 1980, the many overlapping cash and in-kind benefit programs made it possible for almost anyone to place themselves above the official poverty level. If the ultimate criterion of social welfare policy is eliminating net poverty, the War on Poverty has very nearly been won.

Latent poverty

Of course, eliminating net poverty is not the ultimate criterion. Lyndon Johnson undertook the War on Poverty to end the dole, to enable people to maintain a decent standard of living by their own efforts. As he signed the initial anti-poverty bill he sounded the theme that formed the basis of the consensus for the Great Society:

> We are not content to accept endless growth of relief or welfare

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> rolls. We want to offer the forgotten fifth of our population opportunity and not doles. . . . The days of the dole in our country are numbered.[3]

Johnson was articulating a deeply shared understanding among Americans as to how the welfare system is supposed to work—"a hand, not a handout" was the slogan. Throughout American history, the economic independence of the individual and the family has been the chief distinguishing characteristic of good citizenship.

To measure progress along these lines we must calculate yet a third statistic. The poverty statistic with which I began, the one used by the government in its analyses, is cash income *after* the cash transfers from the government have been counted. Then I added the value of the noncash, in-kind transfers in order to measure net poverty. Now I must ask: What is the number of poor before the cash and in-kind transfers are taken into account? How many people *would be* poor if it were not for government help? These may be called the *latent poor*. For practical purposes, they are the dependent population, those who were to be made independent as we eliminated the dole.

Latent poverty decreased during the 1950's. We do not know the precise level of decline, because 1965 is the first year for which the number of latent poor has been calculated.[4] But we do know that the number of latent poor (pre-transfer poor) can be no smaller than the number of post-transfer poor; therefore, since the number of post-transfer poor stood at 30 percent of the population in 1950, the percentage of latent poor had to have been somewhat larger (a conservative estimate is 32 percent). As of 1965, the latent poor were 21 percent of the population—a drop of about one-third. Put another way, dependency decreased during the years 1950-1965. Increasing numbers of people were able to make a living that put them above the poverty level and progress was being made on the long-range goal of eliminating the dole.

The proportion of latent poor continued to drop through 1968, when the percentage was calculated at 18.2, but this has proved to be the limit of our success in the war against economic dependence. At some point during 1968-1969, progress stopped; the percentage of latent poor then started to grow. It was 19 percent by

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[3] Quoted in *The New York Times*, August 21, 1964, p. 1.

[4] The figures for 1965-78 are taken from Sheldon Danziger and Robert Plotnick, "The War on Income Poverty: Achievements and Failures," in P. Sommers (ed.), *Welfare Reform in America* (Hingham, Mass.: Martinus Nijhoff, 1982), Table 3.1, p. 40.

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1972, 21 percent by 1976, and 22 percent by 1980.[5] Once again, as in the case of official poverty, the shift in the trendline coincided with the advent of the programs that were to eliminate poverty.

Again, how could it be that progress against official poverty and net poverty slowed or stopped when so much more money was being spent for cash and in-kind transfers? The data on latent poverty provide one of the most important answers: Because latent poverty was increasing, it took more and more money in transfers just to keep the percentage of post-transfer poor stable. The social welfare system fell into the classic trap of having to run faster and faster to stay in the same place. The extremely large increases in social welfare spending during the 1970's were papering over the increase in latent poverty.

The three measures of poverty—official poverty, net poverty, and latent poverty—reveal a pattern from 1950 to 1980 that has important implications for the American welfare state. For example, it explains a major element in the budget crisis. As of 1980, roughly the same proportion of people remained above the poverty line through their own earned incomes as did in the early 1960's. But in the early 1960's, our legislated spending obligations to those who earned less than that amount were comparatively small. Whether or not one approves of the spending obligations taken on since then, they cannot be sustained indefinitely in the face of increasing latent poverty. Latent poverty must be turned around, or the obligations must be slashed, or both.

Rising tide, sinking ships

The poverty trendlines displayed in the figure are not widely publicized. Because it has not been recognized that the implementation of the Great Society reforms coincided with an end to progress in reducing poverty, there has been no debate over why this should be the case.

The best place to begin the debate is to examine the common view that the bright hopes of the 1960's dimmed in the 1970's due to a slowdown in the economy. According to this view, inflation and

[5] It should be noted that the measure of latent poverty excludes Social Security income. Since families headed by persons over the age of 65 make up nearly half of those in latent poverty, the percentages reported here may somewhat exaggerate the extent of the problem among those able to work. (Unfortunately, no figures on this point prior to 1976 have been published.) But even if it were possible to include Social Security—or exclude the elderly—in calculations over this period, this adjustment would not affect the steep *rise* in latent poverty we have observed over the past decade.

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dislocations brought on by the Vietnam war, along with the revolution in energy prices, made the economy go sour. As the expansionist environment of the 1960's vanished, strategies and programs of the War on Poverty had to be put aside. It is good that the entitlements and income transfer programs were in place, runs this line of argument, or else the troubles in the economy would have been even more devastating on the poor.

What, if anything, do the data suggest about the merits of this economic explanation? As in the discussion of poverty, I must start with the simplest, most widely used measure of the state of the economy, growth in the GNP, and examine its relation to changes in the number of people living in poverty. The answer—perhaps surprisingly to those who have ridiculed "trickle-down" as a way to help the poor—is that changes in GNP have a very strong inverse relation to changes in poverty. As GNP increases, poverty decreases. (The simple correlation coefficient for the period 1950-1980 is –.69[6].) The effects of economic growth did indeed trickle down to the lowest economic levels of the society. Economic growth during the 1950's and 1960's was strong, during the 1970's it was weak—and progress in reducing poverty ceased.

So it can be said that the fortunes of the economy explain recent trends in poverty. But the flip side of this finding is that social welfare expenditures did *not* have an effect on poverty. *Once the effects of GNP are taken into account, increases in social welfare spending do not account for reductions in poverty during the last three decades.* The same analysis that supports the economic explanation for the failure in the 1970's gives scant support to remedies that would boost social welfare spending now.

Conservatives generally recognize the role of economic growth in reducing poverty, but some feel this is not a sufficient explanation for the failures of the 1970's. It is not just that the social welfare reforms were ineffective in reducing poverty, they argue, but that the reforms actually made matters worse by emasculating the work ethic and creating "work disincentives." As people became less inclined to take low-paying jobs, hold onto them, and use them to get out of poverty, they became dependent on government assistance. The academic treatment of poverty has generally dismissed this conservative explanation out of hand. It has understandably been mistaken for curmudgeonly, mean-spirited, and occasionally

[6] The variables are the first difference in real GNP per household and the first difference in percentage of population under the poverty line using the official measure of poverty.

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racist rhetoric. But the trendline for latent poverty—the key indicator of how people are doing without government help—offers a solid reason for concluding that the Great Society reforms exacerbated many of the conditions they sought to alleviate.

It is important to emphasize that the trend in latent poverty did not reverse direction when the economy went bad; it did not even wait until the official poverty and net poverty figures stabilized. Latent poverty started to increase while the other two measures of poverty were still going down. Most strikingly, progress on latent poverty stopped in 1968 while the economy was operating at full capacity (unemployment stood at 3.5 percent in 1968-1969, the lowest rate since the Korean War).

Welfare and labor-force participation

The last half of the 1960's was a watershed in other ways as well. A number of social indicators began showing strange and unanticipated shifts during those years, and the onset of these changes had no discernible relation to the health of the economy. Together, the evidence is sufficiently provocative to make the conservative interpretation worth looking into.

One such indicator is *participation in the labor force.* By definition, participation in the civilian labor force means either being employed or intending to work, given the opportunity. Among the poor, participation in the labor force "should" be very high, approaching 100 percent, for able-bodied adults without child-care responsibilities. Conservatives argue that such participation has dropped because welfare benefits have become more extensive and more easily available. The statistics on labor-force participation—a standard measure calculated by the Bureau of Labor Statistics—are readily available, and they conform quite well to conservative expectations.

Consider the record of two populations of immediate comparative interest: black males, who are disproportionately poor relative to the entire population, and white males, who are disproportionately well off. In 1948 (comparable data for 1950 are not available), the participation rate for both groups was 87 percent. This equivalence—one of the very few social or economic measures on which black males could claim parity with whites in the 1950's—continued throughout the decade and into the early 1960's. As late as 1965, only a percentage point separated the two groups. But by 1968, a gap of 3.4 percentage points in participation had opened up be-

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tween black males and white males. By 1972, the gap was 5.9 percentage points. In 1980, 70.5 percent of black males participated in the labor force compared to 78.6 of white males; the gap had grown to 8.1 percentage points. To put it another way, during the period 1954-1967, 1.4 black males dropped out of the labor force for every white male who dropped out; from 1968 to 1980, 3.6 black males dropped out for every white male who did.

The abrupt drop in the labor-force participation of black males cannot easily be linked to events in the economy at large. One of the most commonly cited popular explanations of why poor people drop out of the labor force is that they become discouraged—there are no jobs, so people quit looking. But the gap first opened up during the boom years of 1966-1968, when unemployment was at historic lows. The "discouraged worker" argument cannot be used to explain the dropout rate during this period. Nor can the opposite argument be substituted: Black males did not stop dropping out when the Vietnam boom cooled and unemployment rose. Whether unemployment was high or low, until 1967 black males behaved the same as whites; after 1967 they did not.

One may ask whether this is a racial phenomenon; it is nothing of the kind. Using the 1970 census data, participation for 1970 may be broken down by both race and economic status, and doing so reveals that the apparent racial difference is artificial. For males at comparable income levels, labor-force participation among black males was *higher* than among white males. The explanation of the gap is not race, but income. Starting in 1966, low-income males—white or black—started dropping out of the labor force. The only reason it looks as though blacks were dropping out at higher rates is that blacks are disproportionately poor. If trendlines are examined showing participation rates by income rather than race, the 1970 census data strongly suggest that middle- and upper-income males participated in the labor force at virtually unchanged rates since the 1950's, while the participation rate for low-income males decreased slowly until 1966, and plummeted thereafter.

This phenomenon needs explanation, for it was a fundamental change in economic behavior—participation in the labor market itself. Once explanations based on unemployment fail, and once the racial discrepancy is shown to be artificial, the conservative hypothesis has considerable force. Without a doubt, *something* happened in the mid-1960's that changed the incentives for low-income workers to stay in the job market. The Great Society reforms constitute the biggest, most visible, most plausible candidate.

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Welfare and family breakup (revisited)

A second social indicator which links increases in latent poverty to the Great Society reforms is the decline in the intact husband-wife family unit, especially among blacks.

A racial difference in family composition has existed since statistics have been kept, but by the middle of this century the proportions for whites and blacks, while different, were stable. As of 1950, 88 percent of white families consisted of husband-wife households, compared to 78 percent of black families. Both figures had remained essentially unchanged since before World War II (the figures for 1940 were 86 and 77 percent, respectively). In the early 1950's, the black proportion dipped slightly, then remained between 72 and 75 percent through 1965. The figures for white families stayed in the 88 to 89 percent range between 1958 and 1965, never varying by more than two-tenths of a percentage point from year to year.

The years 1966 and 1967 saw successive drops in the percentage of black husband-wife households, even though it remained in the 72-75 percent range. Then, in a single year (1968), the percentage dropped to 69, the beginning of a steep slide that has not yet been arrested. By the end of 1980, the proportion of black husband-wife families had dropped to 54 percent—a drop of 19 percentage points since 1965. The figure for whites dropped by four percentage points in the same period, from 89 to 85 percent.

From a demographic perspective, a change of this magnitude is extraordinary, nearly unprecedented in the absence of war or some other profound social upheaval. Much is made of the social changes that swept America during the 1960's and 1970's, and discussions of the change in black family composition have discounted the phenomenon as a slightly exaggerated manifestation of this broader social transformation. But the data do not permit such an easy dismissal. In the rest of society the changes in family composition were comparatively modest.

As in the case of labor-force participation, we are witnessing a confusion between race and income, though not as severe. When husband-wife families are examined on the basis of income (using the 1970 census), the percentage of husband-wife families among blacks above the poverty level is found to be 82 percent, very close to the overall rate for whites. This indicates that data based on income may be expected to show that the precipitous drop in intact families is concentrated among the low-income population, not exclusively (perhaps not even disproportionately) among blacks.

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Why did low-income families start to disintegrate in the mid-1960's while higher-income families did not? As in the case of participation in the labor force, there is no obvious alternative to the conservatives' hypothesis: Namely, during precisely this period, fundamental changes occurred in the philosophy, administration, and magnitude of social welfare programs for low-income families, and these changes altered—both directly and indirectly—the social risks and rewards, and the financial costs and benefits, of maintaining a husband-wife family. It should surprise no one that behavior changed accordingly.

This hypothesis is not "simplistic," as has been charged. It is plausible that the forces which changed welfare policy could have affected family composition even if welfare policy had not been changed. Those forces were surely various and complex. Still, these forces are not enough to explain the extraordinary change in family composition. If in the early 1960's one had foreseen the coming decade of sweeping civil rights legislation, an upsurge in black identity and pride, and a booming economy in which blacks had more opportunities than ever before, one would not have predicted massive family breakup as a result. The revolutionary change in black family composition went *against* the grain of many contemporaneous forces. Casual assertions that "it was part of the times" are inadequate.

A Pyrrhic victory?

The effect of the decline in labor-force participation, and of the breakup of the husband-wife family, were tragic and severe. In the case of the labor market, the nature of the effect is obvious: When low-income males drop out of the labor force and low-income females do not enter it, the size of the latent poor population will grow. This alone could explain why the proportion of latent poor increased even as the proportions of official poor and net poor were still declining.

The effects of family breakup are less obvious, but no less noteworthy. An analysis by the Bureau of the Census indicates that changes in family composition accounted for 2.0 million additional poor families in the 1970's.[6] For example, the analysis shows that if black family composition had remained the same as in 1971, the

[6] Gordon Green and Edward Welniak, "Measuring the Effects of Changing Family Composition During the 1970's on Black-White Differences in Income," unpublished manuscript, (Bureau of the Census, 1982).

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poverty rate for black families would have been 20 percent in 1980 instead of 29 percent. Other findings all lead to the same conclusion: The changes in family composition that started in the mid-1960's have raised poverty significantly above the levels that "would have" prevailed otherwise. The Bureau's analysis actually *understates* the overall effect of the change in family composition on poverty—by 1971, the baseline for the analysis, much of the deterioration had already occurred.

These are some of the reasons behind the paradox of our failure to make progress against poverty in the 1970's despite the enormous increases in the amount of money that the government has spent to do so. There are other reasons as well—the large proportion of the social welfare budget spent on people above the poverty level being perhaps the most notable—but the preceding few will serve to convey a point that is too often missed in the debates over budget cuts in social welfare programs. It is genuinely an open issue—intellectually as well as politically—whether we should be talking about spending cuts, or whether we should be considering an overhaul of the entire welfare system as conceived in the Great Society. If the War on Poverty is construed as having begun in 1950 instead of 1964, it may fairly be said that we were winning the war until Lyndon Johnson decided to wage it.

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Social programs and social obligations

LAWRENCE M. MEAD

WHEN we speak of the welfare state and its problems, we refer to something much larger than just social programs meant for the poor. Today, all Americans are "on welfare" in the sense that they claim benefits they have not directly earned from government programs. And since Social Security, Medicare, and other programs that cover the general population are mainly responsible for the government's fiscal problems, we must say that the welfare state and its crisis are solidly middle-class.

Yet the most troubling problems of the welfare state do concern "welfare" in the narrower sense of programs meant for the needy. I have in mind here Aid to Families with Dependent Children (AFDC), other welfare programs, food stamps, Medicaid, and a number of federal compensatory education and training programs. All were instituted or expanded during the Great Society period of the 1960's and early 1970's. All are carried out at federal behest by state, local, or nonprofit agencies mostly using federal money.

These programs were supposed to help the "disadvantaged." The term is awkward and euphemistic, as are "lower-class" and "underclass," later names for much the same group. The dilemma this group has posed for federal policy is that its problems are not simply economic. The disadvantaged are "poor" or at least low-income,

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but they are also "different." Historically, they have lacked sufficient income and opportunity, but they also have problems functioning in society—that is, in getting through school, working, supporting their families, keeping on the right side of the law, and in general behaving the way Americans expect of each other. There seem to be 10 million or more Americans who are disadvantaged in this sense.[1]

Now the main goal of the welfare state has always been to integrate the disadvantaged into mainstream society. Achieving this has been seen to be the most critical social challenge facing the country since President Kennedy and his New Frontiersmen rediscovered poverty. If blacks and other heavily disadvantaged groups indeed exist apart from mainstream society, integration means that they should be able to join society as equals.

The crisis of the welfare state is that integration has not been achieved; the goal may even be receding. Or rather, it has been achieved only in a minimal, economic sense. The federal government has given greatest emphasis to overcoming the economic aspects of disadvantage, in part because these were the aspects government could most directly control, and it has succeeded in removing many deficiencies in income and opportunity. Federal edicts have largely eliminated overt discrimination in education, hiring, and housing. There is even a degree of preference for nonwhites in education and public sector employment because of affirmative action. The government's income transfer programs along with more equal opportunity for minorities and economic growth have reduced economic poverty to extremely low levels. According to the Census Bureau, which considers only money income from earnings and government benefits, the proportion of the population living in poverty dropped from 22 percent in 1960 to less than 12 percent in 1979. And if we include in-kind benefits such as health care and unreported earnings, the level falls to 8 percent or less.[2] The disadvantaged could certainly still use more income and opportunity than they have, but lack of these is no longer the main barrier to their integration.

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[1] Ken Auletta, *The Underclass* (New York: Random House, 1982), pp. 27-30; Edward C. Banfield, *The Unheavenly City Revisited* (Boston: Little, Brown, 1974), pp. 287-290.

[2] Timothy M. Smeeding, *Alternative Methods for Valuing Selected In-Kind Transfer Benefits and Measuring Their Effect on Poverty* (Washington, D.C.: Bureau of the Census, 1982); Congressional Budget Office, *Poverty Status of Families Under Alternative Definitions of Income* (Washington, D.C.: U.S. Government Printing Office, 1977).

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The behavioral aspect of disadvantage, in contrast, has not been solved and may even be getting worse. It has become clear that merely opening doors for the lower class and raising its income does not assure it the skills and attitudes necessary to participate more fully in American life. Indeed, the social capacities of the group seem actually to have declined as its income and prospects have risen. As Senator Daniel Patrick Moynihan first noted in his famous report of 1965, this problem is particularly acute for disadvantaged blacks. While many blacks have seized on their greater opportunity to enter the middle class, those remaining in inner-city neighborhoods seem even more remote from it than a generation ago. Crime, family instability, learning problems in the schools—all are worse in low-income areas today than they were before the disadvantaged became an object of federal policy. Something about public attention and programs has unhinged the lower class rather than helped it assimilate to mainstream society.

One can blame these trends only in part on parallel developments in the population as a whole. It is true that Americans in general may be less law-abiding, committed to the family, and well-schooled today than they once were. But most Americans still have civil attitudes toward one another. They are still able to rely on each other in politics, at work, and in the other social exchanges that make up daily life. For the lower class, the decline in civility has been much sharper, to the point at which the fear of crime seriously restricts the possibility of economic or social cooperation in low-income areas. More than any further economic resource, the disadvantaged now need a more secure sense of order in themselves and the neighborhoods around them. They need to be able to trust themselves and others. Their problem is now more a *moral* one than an economic one, and so is the challenge facing the welfare state.

Out of the mainstream

The underclass seems to be dropping out of society, not joining it. In particular, disadvantaged workers seem to be withdrawing from the mainstream economy. It used to be that blacks and other low-income groups sought and found work in roughly the same proportions as the white and the better-off. In economic terms, there was a kind of integration, though blacks of course had access to few prestigious careers and earned less relative to whites. Since 1960, there has been almost a reversal. Segregation of a for-

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mal kind has been done away with, but overall black participation in the economy has declined. Educated blacks have advanced to near economic parity with white peers, but the proportion of all adult black men working or seeking work has dropped 12 points (to 71 percent), even while that of other groups (including black and white women) has risen. And while a gap in unemployment rates always existed between the better-off and disadvantaged groups, the gap has grown. In the most publicized case, nonwhite teenagers used to find work about as easily or more easily than whites, but their unemployment rates are now much higher, often over 40 percent.

It is impossible to explain these changes in the ordinary way by appealing to lack of jobs, discrimination, or other social conditions over which the disadvantaged have no control. On the contrary, research strongly suggests that, except perhaps in depressed areas, work is no less available to low-skilled workers today than it was in earlier generations. Most of the higher unemployment among disadvantaged groups is due to their tendency to turn over in jobs more rapidly than the better-off, not to greater difficulty in finding jobs.[3] Indeed, the economy during the 1970's created a great many entry-level, service-oriented jobs with few special skill requirements, jobs the disadvantaged should have found accessible. The baby boom generation entering into work, women taking jobs to keep up with inflation, legal and illegal immigrants—all flooded into these jobs, increasing the nation's workforce enormously. But relatively few of the underclass joined them.

What has changed most seems to be the willingness of disadvantaged workers to accept the jobs they are able to get, not the ease of finding them. Unquestionably, low-skilled jobs are usually poorly paid, menial, and relatively unpleasant. But in previous eras immigrant and low-skilled workers usually accepted such jobs in the hopes that they or their offspring could improve their condition through hard work, saving, education, or political or trade union activity. Today's disadvantaged are more likely to shift restlessly from job to job, drop out and enter the underground or illegal economy where earnings are higher, or live off welfare or other programs.

This puts an integrated society at risk. Government may choose

[3] Robert E. Hall, "Why Is the Unemployment Rate So High at Full Employment?" *Brookings Papers on Economic Activity*, no. 3 (1970), pp. 369-402; George L. Perry, "Unemployment Flows in the U.S. Labor Market," *Brookings Papers on Economic Activity*, no. 2 (1972), pp. 245-278.

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to elevate the public income of the lower class, but most of American life occurs in the private sector, not the public. It is difficult to see how the disadvantaged can become mainstream Americans, in either their own eyes or the eyes of others, without a greater commitment to the mainstream economy; this is where further integration must take place. The low-skilled workers joining the private economy today are more likely to be legal or illegal aliens than disadvantaged Americans. Official unemployment rates may be high, but employers often find that they cannot fill menial, low-paid jobs and keep them filled without turning to aliens. There seem to be 10 to 12 million illegal aliens in the country, about as many as there are Americans on AFDC.[4] Of course, more of the aliens than the welfare recipients are employable, since fewer are women and young children, but the conclusion is inescapable: Aliens are doing many of the jobs that would have been done by recipients only twenty years ago.

Does welfare *prevent* integration?

Why the welfare state fails to integrate the underclass has been a profound mystery to Washington. Over the past decade policymakers have had nothing to propose besides new and different combinations of benefits and services. Conservatives, who always distrusted the Great Society, succeeded only in cutting back the programs last year. The Reagan administration persuaded Congress to eliminate some programs and restrict eligibility or benefits in others, and the cuts drew surprisingly bipartisan support. They did not, however, display any understanding of the social integration problem and how to solve it. On the contrary, they almost amounted to an official admission of defeat.

What must be questioned are the liberal assumptions that have shaped development of the welfare state. Since the formative period of the Great Society, federal policy has consistently assumed that problems of disadvantage can be traced to "barriers" of some social or material kind outside the individual. The point of programs was to "compensate" for the "deficits" in recipients' incomes and services. Even training and education programs, whose purpose was to impart skills, were conceived as "resources" to be given to the poor. Conservatives differed with liberals over how much

[4] Government estimates, *The New York Times*, January 16 and November 10, 1980.

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of these things should be given to the disadvantaged, but both agreed that the nature of programs is to *give* people resources they need.

The liberal view was plausible as long as disadvantage could be substantially blamed on racial discrimination. Many, though far from all, of the disadvantaged were black, and it was easy to imagine that they had few reasons to behave responsibly so long as a racist society did not reward them for doing so. But this view becomes less and less compelling as time goes by and as historical discrimination and economic poverty decline. America is still far from colorblind, but neither does it have a caste system.

It is more plausible today that the troubling behavior and condition of the disadvantaged is due to the social programs on which so many are dependent. The programs, after all, govern the lives of much of the underclass in a more direct way than does the history of discrimination. Their drawback may be that they merely *give* things to their recipients; to a fresh eye, what is remarkable about federal service and benefit programs is that they support recipients while expecting next to nothing *in return*. There is virtually no reciprocity, no need to function or serve others in the way other Americans making their way in society without dependency must. The programs assure the recipients a certain income, but they undercut the mores about public behavior that the disadvantaged would have to assume to enter more fully into American life.

Specifically, welfare programs contain no effective requirements that recipients work in return for their benefits. In theory, employable recipients of AFDC and other welfare programs (that is, mothers with children over six, teenagers not in school, and adult men) are supposed to accept work or training or lose their benefits, and people on unemployment insurance are supposed to look for work. In fact, the requirements are not effectively enforced and few recipients take them seriously. Welfare-work programs are only able to involve a small proportion of the employable recipients in training or job search, and they usually lack the authority to make recipients actually work, even when jobs are available.[5] The Reagan administration has proposed toughening the AFDC work test, but it is questionable whether stiffer requirements could be enforced under the present scheme.

[5] Charles S. Rodgers, "Work Tests for Welfare Recipients: The Gap Between the Goal and the Reality," *Journal of Policy Analysis and Management*, vol. 1, no. 1 (Fall 1981), pp. 5-17.

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The procedures of federal programs, even the work programs, are so consistently interpreted in the language of rights and benefits that it is difficult to make clear to recipients that they have any obligations. Social workers who try to persuade clients to accept responsibility for their own poverty or unemployment say that they are often defeated by the policy of their own programs, which emphasizes government's responsibility to help people. Recipients can hardly walk into an AFDC work office without confronting signs (in English and Spanish) informing them, not of their work obligations, but of their rights to appeal if the program should cut their benefits for any reason. The problem is not confined to welfare and the underclass. Every American knows from his own or others' experience that people on unemployment insurance often do not become serious about seeking a new job until the benefit checks are about to run out.

A juridical welfare state

To improve the welfare state, we have to start looking at it from a *juridical* and not simply economic point of view. Programs imply a certain balance of rights and obligations for recipients; a more even balance of benefits and obligations seems critical for the success of the programs. My own studies of the welfare work-test suggest that programs that make the work obligation clear to recipients are more likely to place them in jobs. That is, welfare recipients are more likely to function properly when they know what is expected of them, and are less likely to function properly when they do not.[6]

From a juridical viewpoint, programs should try to assure recipients the same balance of rights *and* obligations that non-dependent people face in their daily lives. The needy should be supported, but they should also be expected to work if employable, to stay in school if young, to obey the law, and so on. They should be treated in *both* respects, so far as possible, as other people are treated. This seems the only way that programs can support and justify, rather than tacitly undercut, the civic sense their clients need to progress in American society. It is the only way they can deal with the behavioral as well as economic aspect of disadvantage.

[6] Lawrence M. Mead, "Expectations and Social Policy: When in New York City?" (Paper presented at the annual conference of the Association for Public Policy Analysis and Management, Washington, D.C., October 22-24, 1981.)

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But what does it mean to expect things of people using public programs? The question is seldom asked in American government, and the answers to it are not at all clear. Somehow, government must create obligations, an administrative apparatus to implement them, and a surrounding climate of opinion that convinces people that the requirements are both legitimate and enforceable. It must, in short, overcome the authority problems that seem to plague the welfare state and American domestic policy in general.

In welfare, a juridical program administration would have to balance benefits and obligations in the desired way. The problem is to link support with requirements (like work) so recipients accept some responsibility for their own situation and do not assume that all assistance is to come at the hands of government. That requires difficult political decisions about the specific requirements, followed by consistent administration. Right now, enforcement of the work test in welfare is so discretionary and haphazard that neither recipients nor welfare staff see a uniform requirement.

The federal tax system or Social Security could serve as a model. These programs succeed in implementing obligations and benefits that are universally accepted in American life, even though individual cases differ. The public clearly understands that everyone is supposed to pay income and Social Security taxes while working and then receive Social Security benefits upon retirement, but in these systems people only differ financially. All are working or have worked. No invidious questions need be asked about their behavior. Administration can be reduced to rules and requires little discretion. In welfare, on the other hand, it seems questions about behavior must be asked, the staff needs more discretion, and personal authority must be exercised over clients. For all these reasons, welfare administration has never acquired much institutional legitimacy.

The main focus here, however, is on the difficulty of justifying such an arrangement to officials and the general public. Americans would have to accept that social obligations enforced by programs were in some way parallel to political obligations. They accept a balance of rights and obligations in the political realm; they understand that the freedom to make demands on government must be balanced by such obligations as obedience to the law, respect for the rights of others, payment of taxes, and (if there is a draft) service in the military. A juridical social policy would require a similar balance between public benefits and social obligations, such as work.

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Barriers to imposing obligations

Despite the merit of a juridical view of the welfare state, there are firmly entrenched institutional and intellectual barriers to embracing it. One is that federal officials are ill-equipped to approach policy in juridical terms. Program planners in the federal social departments—Health and Human Services, Education, Labor, and Housing and Urban Development—have overwhelmingly been trained as economists or other social scientists, not as lawyers or political philosophers. Their academic training emphasizes the quantitative analysis of social conditions. Therefore they concentrate primarily on the material aspects of social problems and programs, since these are the easiest to quantify for statistical analysis, rather than on the moral or administrative aspects. Those work requirements for welfare that do exist have usually been instituted by congressional committees without the benefit of social science analysis, and ordinarily against the advice of the executive bureaucracy.

In Washington, debates over social policy are conducted in economic or technical terms, but the issues are often juridical, having to do with how rights and obligations are assigned. For instance, the main employment policy under the Carter administration was to try to move the disadvantaged and unemployed into work by offering them "public service employment" (subsidized jobs in local public and nonprofit agencies). The jobs were to provide clients with better wages and working conditions than they could get in the private sector. Under the Reagan administration, the policy is to eliminate these programs and return to placing people in the private economy. In between are proposals for subsidized jobs in the private sector or for more job-placement programs.

Proponents of all these positions are prone to engage in highly technical discussions about which approach will "work" best, but the real issue is a moral one: Where does the responsibility for employment lie? All sides realize that many low-paid jobs already exist but are not what the disadvantaged prefer. But who is supposed to close this gap? Is government obligated to guarantee "decent" jobs for all? Or is the client obligated to accept a less attractive job already available in the private sector? Which has the right to obligate the other?

Because so many federal officials are trained to conceive and solve problems technically, they usually ignore issues of social obligation and just assume government is supposed to meet human needs. This makes the problems harder to solve because

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the recipient groups then have little reason to assume any responsibility themselves. Officials and researchers keep coming up with plausible explanations and ways to improve the programs, but the real difficulty may be that government assumes *all* responsibility. This casts the welfare and youth client-groups in the role of making demands on government, when integration requires that they make some demands on themselves. Employers say that the main reason poor minority youth are difficult to employ is that they have not accepted the discipline associated with work. They do not lack energy or ability, but they do not know what employers and customers expect of them on the job. And given the rhetoric of federal programs—that solutions lie with government—neither government nor business has the authority to tell them.

The liberal-conservative confusion

Yet even if federal officials understood the obligation problem, they would probably not have the intellectual resources to solve it. American welfare-state issues are usually discussed in ways that do not even recognize the problem, let alone solve it. The conventional liberal and conservative approaches to social policy allow us to debate the *extent* of government activity but not its *character*. The two differ over how much government should do for the needy, but neither contemplates giving recipients clearcut obligations.

Conservatives want to cut back the welfare state more than they want to change its nature. The Reagan budget cuts of last year eliminated some programs and reduced case loads in others, but did little to strengthen the work obligations of the recipients that remained. Recipients may even be less likely to work because economic incentives were reduced. The Reagan administration, which would like to have work tests strengthened, seeks to devolve responsibility for this and other welfare issues to lower levels of government. There is little sense that the federal government might actually use work programs to set clearer standards for the needy.

In a sense, cutting back the welfare state does solve the juridical problem. Recipients who are removed from programs can no longer live on entitlements without obligations; they now have to earn their way in the marketplace like other people, and the nature of the market is to exact reciprocity. An individual can get what he wants from the market only by providing something of equivalent value to other parties. A worker must satisfy his employer, and the seller his customer. But the recipients face obligations only because

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they are no longer recipients; the welfare state is reformed only to the extent it is done away with. There is little attempt to balance rights with obligations *within* the programs that remain. And most importantly, the conservative policy cannot be pursued far enough to solve the obligation problem since the major social programs enjoy too much support to be eliminated. The American people want to integrate the underclass and still go on helping those in need. They want the problem solved *within* the welfare state.

Federal planners have recognized the work problem in welfare but have tried to solve it with "work incentives" rather than explicit work requirements. The general idea has been that recipients would feel more interest in working if they could keep most of their earnings, rather than having them deducted from the grant.[7]

The liberal approach, however, runs into such serious economic and moral dilemmas that we cannot say the obligation problem is solved. If earnings are taken less into account when calculating welfare grants, then people with much higher incomes remain eligible for assistance and the cost of welfare rises. Similarly, it costs much more to employ people in public jobs than to place the same number in lower-paying private openings. And both policies can be unfair since people receiving welfare or public employment can easily end up with more income or better jobs than the "working poor" who avoid dependency and accept available low-wage private-sector jobs. For these reasons, Congress has never fully accepted the incentives approach to work for welfare recipients. It rejected the reform proposals in 1969 and 1977, and last year accepted Reagan proposals that work incentives be reduced in order to concentrate welfare monies on the "truly needy." The main reliance since 1967 has been on *administrative* procedures that threaten, though ineffectively, to deny benefits to employable recipients who refuse work training.

The liberal error is to suppose that appeals to self-interest can solve a *moral* problem. The incentives approach assumes that recipients have, or can be made to have, sufficient reasons of their own to work. A correspondence is assumed to exist between the indi-

[7] All the earnings of working AFDC recipients used to be deducted, but starting in 1968 only about two-thirds were. The Nixon welfare reform plan of 1969 and the Carter plan of 1977, both written by welfare planners of the executive branch, proposed to reduce the proportion to one-half. In a sense, the Carter public employment programs also appealed to the self-interest of recipients by trying to make work more attractive to the disadvantaged by offering them more appealing jobs in government than they could get in the private sector.

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vidual and social interest in work. Now individuals certainly do have an interest in work if they have no other way to support themselves or if they can make much more by working than not. Once social programs exist, however, those meeting the eligibility rules have an alternative to work. And if they are low-skilled, they are unlikely to make much more by working than by going on relief (particularly if we consider the value of in-kind benefits such as free health care that are received by those on welfare). We could still make it in their interests to work if, as liberal policies would do, we let them work *and* receive welfare, or offered them more attractive jobs than they could command on their own. But then economy and fairness would be sacrificed.

The basic difficulty is that the individual and social interests in work do not coincide for much of the lower class once programs have been instituted to support them. To use an economic term, low-wage work is no longer a "private good," something the individual will seek spontaneously because it benefits him. Rather, it has become a "public good"—something in which society as a whole has an interest, for reasons of morals or social integration, but which may not serve the individual's interest. Like other public goods, it now has to be produced using government authority rather than through the dynamic of individual interest operating in the marketplace. Government must now *obligate* program recipients to work rather than just entice them. What is obligatory cannot simply be offered as a choice—it has to be enforced by sanctions, in this case loss of the welfare grant.

The anti-authoritative instinct

So it seems that administrative work tests, for all their flaws, are the right approach to obligation in welfare. They seem to be the only way to reconcile the public's desire to help the disadvantaged, with the need to support behavior necessary to integration. But to be effective work tests must be more authoritative than they are, and neither conventional ideology gives them the authority they need. Both are deeply individualistic. In different ways, each seeks to use only *individual* interest to motivate work. Neither accepts the need to levy obligations contrary to immediate individual interest in the name of a more inclusive social good, in this case social integration.

Most opposition to social obligation rests on simple opposition to federal authority. *Federal* social policies have always been the

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most controversial in American politics since they have tried most deliberately to change American society. Liberals, accustomed to a permissive federal stance on social issues, would certainly resist any attempt to implement serious work requirements from Washington. Nor would most conservatives be inclined to support such efforts. Most conservatives think federal programs can only undermine traditional American values, not shore them up. Their inclination is to eliminate most federal social programs, not use them to set clearer standards for the disadvantaged.

But to a great extent, Americans would resist social obligations coming from any level of government, not just from Washington. American political culture simply gives little support in the social, as opposed to political, sphere to the juridical balance of claims between the individual and society. When the Constitution is invoked, when Americans think of the traditional political rights, they are usually ready to accept that corresponding obligations are necessary; they do not so easily accept the idea of public-defined obligations in the social area. Indeed, most people feel they are entitled to exploit government subsidies and benefits (including but not limited to social programs) for their own advantage, regardless of the collective consequences. They resist obligations linked to these programs, even though they incur the responsibilities only by first claiming the benefits.

In a sense, conservatives are wise to try to solve the obligation problem by returning recipients to the market rather than expecting things of them publicly. For most Americans, the market enforces obligations more legitimately than the government ever can. In the marketplace, one must work, not because some functionary says so, but because one must satisfy an employer's or customer's needs. The pressure to perform appears in an authentic and personal, not impersonal, form. But unfortunately, as we have seen, the market solution is incompatible with the public's desire to go on helping people in need.

Race and religion

In the U.S., an even stronger feeling has been that social programs must be liberal simply because so many (though far from all) of the disadvantaged are nonwhite. The pressures on recipients, that is, are believed to stem not only from the economic market but from a racist society. The claims of black Americans for redress of grievances underlie much of federal domestic policy. In some ways

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they have given the welfare state in the U.S. an even more liberal cast than it has in Europe. There most programs tend to cover the whole population. In the U.S., most are means-tested but tend to be especially protective of racial minorities.

Sensitivity to the race question is one of the reasons for the general crisis in American public authority. Most American policymakers recall with shame that American laws and institutions once required more of blacks than whites. Today, although the authorities often sincerely seek the advancement of blacks, the result in some ways has been simply to expect more of whites. Federal programs impose few behavioral requirements on blacks, but federal busing and affirmative action policies have required whites to make a more equal place for blacks in education and employment. And at the local level, the authorities in many cities have become more reluctant than they once were to confront crime and insist on traditional academic values in the schools, particularly in black areas. Their main fear has been that to do these things would "stigmatize" underclass blacks whose attachment to society is in question. Of course, most blacks are not underclass. They adhere to the same standards of public behavior as whites, and they often wish government would enforce greater order than it does. But given the past, black spokesmen most often oppose conservative policies, and government finds that it lacks the authority to act. Blacks' attitudes are not much different from whites' attitudes, but government sets substantially different standards for the two groups.

Finally, the idea of social obligation is blocked by ethical assumptions stemming from the Judeo-Christian tradition. The welfare state may be officially secular, but more than we realize, the moral sentiment that underlies it derives from a liberal interpretation of the Old and New Testaments. In the current view, the Biblical tradition identifies goodness simply with meeting the immediate needs of people in distress. The good man does not, in the words of Isaiah, put out the smoldering wick. Rather, in the image of Jesus, he is the friend of publicans and sinners, or the Good Samaritan who helps the victim of robbers. The liberal view that service to the poor is the touchstone of social justice may be stated in impersonal terms (as it is, for instance, in John Rawls's *A Theory of Justice*), but ultimately these religious images hover behind it.

The liberal view of Christian charity is not only solicitous of the poor, but anti-political in that it opposes the balancing of conflicting moral imperatives that is central to policymaking. It counsels such sensitivity to immediate human need that any compromise to serve

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other values becomes intolerable. We cannot indulge in calculations, as policymakers must, that would weigh the interests of the poor against those of the overall economy. Our assistance to the poor must be unconditional; we cannot require anything of them in return, not even for their own good. We cannot even subordinate meeting their short-term desires to advancing their long-term welfare. Anything other than an unmeasured response to their immediate need is an evasion of the ethical imperative.

But the *moral* consequence of this view has simply not been addressed. It is that government benefits have begun to unhinge the civilities on which society depends for its coherence and energy. For dependent groups particularly, but also for Americans generally, social programs have brought closer the danger of which Tocqueville wrote, that "a kind of virtuous materialism may ultimately be established in the world, which would not corrupt, but enervate, the soul and noiselessly unbend its springs of action."

A doctrine of social obligation

If we believe that a measure of social obligation is essential to solve the problems of the disadvantaged, then these attitudes stand in the way of an effective welfare state. And those who believe in social obligation must begin to construct a rationale for it. This task is necessary, in large part, because of the poverty of American political thinking. Traditional American thought is largely bound up in long-standing legal and constitutional issues. Its agenda is to work out the details of the Founders' original design for a complex government of divided and limited powers. It has much to say about federalism, separation of powers, and civil liberties, but relatively little about the juridical issues raised by the welfare state, a comparatively recent development.

The general problem is that American political thinking supports people making demands on government, but not government levying obligations on people, particularly in the social realm. The Founders were alive to the dangers of tyranny, to the need for freedom *from* government; they had little to say about the dangers of dependency *on* government. American political reflexes will defend people against public policies that injure them through an excess of authority, but not those, like the current welfare state, that enervate through a deficiency of it.

More fundamentally, American thinking assumes that individuals are self-reliant and responsible for their own actions. The main

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basis for political authority in the West is consent of the governed, and consent assumes that people are able to commit themselves to government and be held accountable for their subsequent behavior. Plenty of Americans break the law, but we allow government to proceed against them as long as they seem well-integrated in society. Middle-class crimes like tax evasion are serious, but they raise problems only of enforcement, not of public authority.

For the disadvantaged, however, whether individuals can be held accountable for their actions is precisely the issue. The very assumptions about social discrimination and acute need that surround the idea of disadvantage militate against assigning responsibility. Government is confused by these claims. It draws back from expecting all of the normal obligations of citizenship from underclass groups. That is why the problems of order most associated with the disadvantaged, including crime and work, are so intractable. We can obligate those who oppose society, but not those who drop out of it. We can handle disobedience, but not social deviance.

A doctrine of social obligation must maintain that individuals can be bound to discharge social responsibilities, such as work, just as they are to fulfill other responsibilities defined in law. Unpolitical claims of social vulnerability simply cannot be grounds for exemption from obligation if we seriously wish the disadvantaged to be integrated as equals.

The welfare state can be seen as the most significant recent political development in the West. We usually mean by political development the evolution of modern *governmental* institutions, such as democracy and bureaucracy, and of the public attitudes that support them. Most Western countries, however, are already highly developed in this sense. Americans, indeed, believe that their major institutions sprang full-blown into existence in 1787 and have needed no development since. But to the extent a welfare state exists, then *social* institutions of a quasi-public kind must also be developed. This the West has not achieved. Social programs have benefited people, but have not called forth from them the dutiful view of work and the other civilities necessary to make the welfare state a stable part of the social order.

In the U.S. particularly, the welfare state has become a kind of hole in the polity through which millions have dropped out of active involvement in American life. Since we wish to retain the programs, we can close the hole only by obligating the disadvantaged to function as other people do. We can make them equal only by extending the reach and the meaning of the American republic.

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Daily life in the Danish welfare state

DAVID GRESS

WHAT is it like to live in the welfare state? For most of my life I have lived in Denmark, a country normally considered a prime example of the modern welfare state (although the values and institutions characteristic of this social and political system are by now prevalent far beyond the northwest-European area where they originated). There are many features of contemporary Denmark which may be examined in light of the expansion of the welfare state over the past thirty years. Some have to do with the administration and cost of programs, but what I find most important—and disturbing—is its apparent effect on social attitudes towards assistance, work, business, and even privacy. These aspects of daily life here can be described in some detail, but first it is necessary to grasp a bit of recent Danish social history.

Roots of the Danish welfare state

The welfare state—or, as some call it, the "provident state" (*état-providence, Daseinsvorsorgestaat*)—arose gradually in the middle decades of the twentieth century in western and northern Europe, and to a lesser extent in North America. Since then, its moral pre-

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tensions and principles have been more or less adopted by all countries and enshrined in declarations such as the United Nations Convention on Human Rights, which purports to guarantee the rights to work, to a decent standard of living, and to other social, as opposed to individual, rights. However, the promises of the welfare state are executed differently in different countries; what follows is mostly concerned with a typical, if benign, example of the original northern-European species.

As an ideal and as practice, the welfare state was based on two assumptions. The first, with roots reaching far back in European history—indeed, to ancient Rome—was that the government has the duty to ensure the material and spiritual well-being of its subjects. The second assumption was based more immediately on the claims of the socialist workers' movements which arose in Europe during the 1880's and 1890's. That claim was that the economic system of market capitalism was socially and morally inadequate, and that the state must correct it. Ultimately the two assumptions coincide in the belief that government is not merely a framework of laws regulating human conduct but an instrument, the most important one, for the "relief of man's estate." [1]

The former assumption, as I said, is found throughout European history: in the free grain provided by the emperors to the poor of Rome, in the complex system of mutual dependence and protection of feudal society, in the "corporatism" of late medieval guilds, and finally and most characteristically in the paternalism of the old regime (the classic examples being France and Prussia). The king was indeed the father of his people, to whom they could—in principle—appeal over the heads of the nobles and officials who exploited them.

The latter assumption, that market capitalism is inadequate and must be corrected by state action, economic planning, redistributive taxation, and increasing the influence of workers' organizations, became respectable in Western Europe as a result of the Great Depression. It has not since been questioned by officials of the welfare states. As recently as March 1982 the Danish Minister for Social Services, Ritt Bjerregaard, well known for her uncompromising egalitarianism, spoke in precisely those terms to a gathering of international executives and financial experts at the business school

[1] There is a remarkable discussion of this difference as the most basic one in the political history of Europe, and as shaping the histories and options of European states, in Michael Oakeshott, "On the Constitution of a Modern European State," *On Human Conduct* (Oxford: Clarendon Press, 1975).

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of St. Gallen in Switzerland. According to her, free market capitalism ultimately must break down in chaos; the social democratic state, therefore, was doing both capital and labor a service by accepting "class collaboration" between capital and labor. Apart from the oddly archaic tone of Bjerregaard's pronouncement—she asserts as valid certain distinctions of social classes, and of private and public, which were irrelevant by World War II—it is remarkable that she accepts that social democrats are "collaborators" with the "enemy," and considers this a virtue. In the minds of Bjerregaard and her contemporaries among the younger generation of more radical and egalitarian social democrats, the failure to expropriate private business and to introduce a closed economy is a magnanimous favor for which capitalists should be grateful.

Until now this sort of socialism was never all that powerful in Scandinavia, although the rhetoric of revolution remained until after World War II. The actual measures that launched the welfare state were not radical; they were carried out in Denmark, Norway, and Sweden in the 1930's, and the centerpiece was the legislation on social welfare and rights to aid. Particularly the Danish laws, formulated by the Social Democratic Minister for Social Services at the time, K.K. Steincke, were later taken as a model of true "welfare" legislation. They abolished the old concept of charity and replaced it with criteria of need and dessert, so that all those who through no fault of their own had lost jobs or been ill were eligible for aid. Other measures confirmed existing guarantees of free and universal education, along with a national pension for all retired persons regardless of income or wealth. Additional legislation regulated the system of health insurance, which functioned independent of general taxation until 1972.

The public-sector interest

The outer contours of the Danish welfare state have not changed much since the 1930's, which is why it is important to emphasize the very real and significant changes that have been taking place recently—changes that are now making themselves felt in real and uncomfortable ways. The central problem is that whereas the original welfare programs of the 1930's constituted about 8 percent of the state's budget, the equivalent programs today consume about 40 to 45 percent (depending on criteria of measurement). Quite clearly, no one in the 1930's saw "the social laws" as anything but emergency measures to cope with special and unforeseeable circum-

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stances. For instance, the criterion of "honest need" meant that a person who knew he was going to suffer a loss of income, and who would have been able to save money to cushion the shock, was not eligible for aid. In theory he still is not eligible, but the rule has become impossible to enforce.

The implicit view of welfare state politicians used to be that under normal circumstances the national economy would function well with some regulation by the state. Gradually people would become better off and there would be less and less need for the emergency guarantees provided by law. The idea of the state and the public sector as general directors of society, and of 30 to 40 percent of the workforce receiving transfer payments of one sort or another, would have bothered Steincke and his comrades as much as it bothers any moderate or true liberal today.

The changes in the welfare system were due to a range of developments in the post-war world, most of which were very welcome. Increasing productivity and exports through industrialization, along with technical and scientific breakthroughs, accelerated the spread of affluence and enabled the public sector to do things that had hitherto been impossible. Education and health services expanded, accounting for by far the largest proportion of public sector growth in the years after 1960. The Danish government also learned how to borrow on expected future growth, a process which began in earnest in 1961, the first year that a deficit in the balance of payments really became entrenched. Since then, a surplus has been achieved in only one year, 1963.

By the early 1970's, the public sector was large and beginning to develop an identity and interests of its own. Political ideologies from the academy—neo-Marxism and various forms of revived radical socialism—were resurrected in entirely foreign contexts. Suddenly the public sector became a center for changing people's lives and promoting contempt for hierarchy, order, and existing public authority. Affluence and prospects were still good enough at that time to allow the better intentioned planners and experts to project grandiose improvements in welfare legislation. Social and political change, it was said, now required a more positive, assertive policy by the state. Private consumption and market choice must wherever possible be replaced by the morally superior instruments of public consumption and public-sector choice.

To an extent, the rhetoric and ideology of planning in those hectic years before the first oil shock have been overtaken by events, not least by the exploding cost of the welfare state itself. If one

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looks only at the cost of social services—excluding health, education, culture, etc.—in Denmark during the 1970's, one finds that it rose by 75 percent in real terms, and increased as a proportion of total national income from 19 to 28 percent. Furthermore, most of the real growth has taken place in the area of administrative costs, such as salaries. Whether by accident or by design, the ruling Social Democratic party has created a vast voting population of public-sector employees who are understandably interested in the permanent expansion of their sector. When this population becomes larger than that of workers employed in private industry—and that point may already have been reached—the ruling party will find that its legitimacy is based not on satisfying private workers' claims, but on satisfying the claims of the public sector.

Health and welfare programs

The character of the growth and transformation of these programs is best exhibited in the areas of health and welfare. Following a general tendency to subsume previously independent semi-public agencies and their budgets under the state, the *sygekasser* (health insurance offices) were abolished in 1973 and health care became financed exclusively through taxation (except that everyone must pay a proportion of the cost of prescription drugs). Doctors, however, remain independent, self-employed professionals like lawyers and architects. Specialists, in fact, may compete for customers like anyone else, though at the moment most of their full-fee-paying customers are rich Arabs. Everyone now belongs to "health group 1," in which you can choose your doctor when you enter (at age eighteen or when you move), and change him once a year. You do not pay for visits to the doctor, but he receives from the state a fixed sum for every patient on his list (or, in Copenhagen, a fixed sum per visit). The latter method gives the doctor an interest in frequent visits, the former in many patients, and there have been cases of doctors with so many patients that their incomes ran into hundreds of thousands of dollars. As a rule, though, doctors in general practice are well off, but not fabulously rich.

The Danish hospital system used to have a deservedly high reputation, and still functions quite well. It has suffered somewhat from the radicalization of the interns', junior doctors', and nurses' associations, and from the imposition of new rules forbidding employees in any industry, institution, or business to work more than eleven hours within any 24-hour period. Another problem is the in-

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creasing rigidity of regional limits on health personnel (something ridiculous in a country the size of Denmark) which make it all but impossible to transfer patients from one town to the next. The hospitals, with the exception of the prestigious university teaching hospital in Copenhagen (*Rigshospitalet*), are financed by the regional authorities (the *amter*) and there is no procedure for an *amt* to recoup costs incurred for a patient resident in a neighboring *amt*. Even the structure of public transportation suffers from these "iron curtains" across the landscape.

The decline in what one might call the "medical work ethic," and the occasionally blatant disregard of the Hippocratic oath by doctors, are not uniquely Danish phenomena. More specific to Denmark is the range of problems related to the change in social welfare legislation which came into force in 1976. Under the laws from the 1930's, which were intended to provide stopgap help in emergencies, the needy individual had to go to a number of different offices to receive help. To simplify the system, the new laws transferred all contact between the client and the local authorities, who are the immediate providers of cash benefits, to a single case worker under the so-called "one string system." At the same time, the concept of "reasonable fixed expenses" for which aid could be sought was given a new and broader interpretation. One is now entitled to a basic living allowance plus additional funds for rent, utilities, certain kinds of insurance, and telephone, up to an amount not markedly less than one's previous average income.

This new system was a typical product of the lavish days before the economic crisis, and was, like the older system, only intended to operate in emergencies. As a rule, employees in Denmark were and are covered by unemployment insurance via membership in *arbejdslöshedskasser*, or *A-kasser*; until 1974 these were wholly independent, but are now part of the public sector, which pays up to 75 percent of the compensation. In the case of sudden unemployment one is entitled to *three years* of compensation from the *A-kasse* of about 80 percent of one's former salary. Only those who fail to find more than six months of work within three years lose their rights to this form of compensation, and must apply for welfare.

It used to be quite rare that anyone would receive compensation for three years, but now this situation is not uncommon. There are also a number of people, mostly just out of school, who have never had fixed employment or been members of unions and *A-kasser*. Since the introduction of the 1976 laws on welfare, therefore, the cost has spiraled dramatically. Over 300,000 people are now re-

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ceiving direct transfer payments of some sort, including many who not long ago would have felt ashamed to be seen in a welfare office. The change in personal behavior has been astonishing.

There are also clients of some affluence—indeed affluent enough to bring lawyers to advise them as to what claims to make and how to exploit the more obscure clauses of the laws and regulations (such as the rule that you are entitled to special compensation for the cost of extra laundry if you have a bed-wetting child). The situation is chaotic and the budgets of many local authorities are falling apart.

The government's reaction has not been to tighten the rules, but rather to produce a flood of circulars and special directives which have left the local authorities with very few real guidelines. Most of them have adopted a strict maximum on monthly benefits and have restricted "reasonable fixed expenses" to a very few categories —an approach that effectively contradicts the intentions of the 1976 laws. No longer is the claim heard that enough welfare will be given so that "no significant loss of living standards" will follow. People of even average income—such as junior lecturers—must now expect reductions of 30 to 40 percent in their disposable income if they lose their jobs.

Culture and education

For many years generous government support of education, and of culture and the arts in general, was considered a central part of the welfare state. As in the health sector, things still function reasonably well, but one notes the same loss of commitment and professionalism, and increasing concern of the officials, especially teachers, with political campaigns and "group rights."

Private and independent schools of all kinds are favored in Denmark, where the state pays up to 85 percent of teachers' salaries. This has benefited a number of experimental schools in recent years, but has also saved a whole range of older, traditional institutions. (Sweden, while not forbidding private schools outright, has imposed such restrictions on them that almost all have closed and no new ones have any chance at all of surviving.) Meanwhile, amateurism, the refusal of the teachers to teach with authority, the inculcation of antibusiness values, and a rejection of history have all weakened the public schools in the three Scandinavian countries.

Denmark is probably unique as a welfare state in having a very wide range of educational offerings over and above formal school-

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ing: evening courses of all kinds, semi-academic courses comparable to the Open University of Britain, "folk high schools" (*folkehöjskoler*), and more. The evening courses mostly take place in one of the four "educational associations," *oplysningsforbund*, one of which is regional, and the other three affiliated with the Social Democratic, the Conservative, and the Liberal parties respectively. (This is a legacy of the nineteenth century, when political parties were genuine mass movements with energy and money for serious efforts at public instruction.) In Denmark the teaching institutions have survived and thrive, based on regional offices that assess demand, publicize offerings, and compete with each other in a fruitful spirit. On the whole, the evening schools add a very valuable element to cultural life in this welfare state.

The *folkehöjskoler* constitute another grand tradition which the welfare state has adopted and promoted. Today, unfortunately, many of the schools are merely centers for the new "peace movement," but others have recovered and new ones have been founded. There is increasing popular demand for informal education in the basics, and for learning about the national cultural heritage (which used to be the staple of humanistic secondary education and which the younger generation no longer receives).

A "welfare state mentality"?

Ten years ago popular approval of these government policies—particularly in taxation, income redistribution, health, social services, education, and culture—would have been automatic. For most it still is, though the problems and complexities of top-heavy and unresponsive bureaucracy are causing some changes. At bottom this crisis is connected to the rise of a "welfare state mentality" that changes the very presuppositions of the present system.

The key to the problem is a changing conception of rights. Originally, of course, individual rights were clear, distinct, and constitutionally guaranteed: the rights of assembly, expression, belief, and habeas corpus. Now the notion of "social rights" or "material rights" has made great headway in the welfare state and has even found expression in the Danish constitution, as last revised in 1953, where it is stated that all those who are fit and wish to work have the right to suitable and gainful employment. This idea is now enshrined in a number of laws, some sensible, others less so (especially the more recent ones).

A growing danger of welfare state legislation in its latest phase

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is the proliferation of vaguely worded so-called "authorization laws" which authorize the various ministers to take all necessary steps to carry out a given social policy (almost all laws of this kind deal with social policy of some sort or another). In effect, such laws are blank checks giving legal guarantees for any measure undertaken in reasonable good faith in furtherance of the bureaucracy's objective. Of course, the bureaucracy itself judges what constitutes good faith.

The innumerable laws, rules, and regulations governing work-economic activity, and interaction with the authorities, tend to create an attitude of dependency. More and more often the subject is not a citizen with rights and duties, but a client, a recipient of aid and services waiting to be told what to do rather than doing what he wants and not waiting for official permission. Indeed the split between those who take action individually, and those who demand that the authorities assist them, is fast becoming more significant than any traditional political division between left or right, progressive or reactionary.

The dependent attitude goes hand in hand with another, which is that one is or will be taken advantage of unless one is properly organized to guarantee rights on the job. Unemployed youths in Denmark who take jobs below the minimum wage selling ice cream are harassed by "job patrols" financed by the local authorities who blockade the business and instruct the "underpaid" employees in the correct ideological attitude toward their employers.

The mentality of dependence and the notion of material rights have become highly detrimental to the economy in other ways. No "organization"—in Denmark this word usually means the unions and their pension funds—will allow itself to lose position in the race for nominal pay increases. More importantly, as funds from dues and contributions accumulate, the "organizations" come to have enormous capital holdings which can be used to take over large parts of private industry.

An example of this process is the retail food business in Denmark. Like Britain and other countries, Denmark has a number of cooperative stores, originally independent and owned by the local consumers, and frequently the only stores in small towns. In recent years all control of these stores has been centralized in the Central Association of Cooperatives (FDB) which has converted a number of the old stores to supermarkets and closed others. Control of FDB is in the hands of directors elected, not by the local consumers, but by middle-rank activists and bureaucrats, many of whom have close

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and open ties to the "organizations" and to the Social Democratic Party.

It was never the case that the local co-ops were run as regular groceries. The manager did not lose his position if he was a bad salesman, but only if the local customers voted him out. In a sense, the co-ops were always something more than grocery stores. However, the new leaders have resurrected this old notion of the consumer-owned store at a time when "local control" is a farce. This in itself would not have been so bad, had not the controllers of FDB decided to destroy their main competitor in the retail food market of eastern Denmark, the privately-owned food store chain Irma.

Irma and the FDB stores represented two different attitudes toward action in daily life. Irma was the creation of a single man who turned a sluggish chain of Copenhagen dairies into a dynamic organization which brought exotic foods and wines within the grasp of the ordinary consumer. The co-ops represented the residual collectivism of the countryside—often at its best—and were a development analogous to the famous cooperative dairies and slaughterhouses which arose along with the folk high school movement between 1870 and 1900. What is important is that the co-ops were never purely commercial and never prided themselves on innovation or special standards of service.

The challenge of Irma was one reason for the modernization of the co-ops, though as a rule they remained slightly more expensive and less willing to provide special items. Still, everyone agreed that the competition was useful. But in the spring of 1982 FDB offered to buy out the owners of Irma, who were interested in selling at what seemed a good time. However, FDB did not have the spare capital on hand, so it had to borrow. This is where the political-organizational dimension comes in, because FDB was given a large loan on very favorable conditions at low interest (under rather obscure circumstances) by one of the major pension funds. As the offer was extremely generous, the owners of Irma and their bank agreed to the deal, despite a last-minute attempt by a group of Irma employees to raise the money themselves for the takeover. Of course, it was impossible for them to get a loan on the favorable terms obtained by the cooperatives.

So large-scale food retail distribution in eastern Denmark is now controlled, in effect, by a single organization with political ties to groups hostile to private business and with little interest in serving the consumer in the most cost-effective way.

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A sense of the future

The trend towards the total welfare state has gone much further in Sweden than in Denmark, where there are growing signs of large-scale disaffection. The right to private property and the presumption of innocence until proven guilty are still sacrosanct here even within the tax bureaucracy, which in many ways represents the most developed feature of the welfare state. This is not so in Sweden. Since the summer of 1981 a "general decree" on the treatment of tax evasion or suspected tax evasion has been in force, in which it is clearly implied that the burden of proof lies on the taxpayer. In other words, if the authorities claim taxes are due and the taxpayer denies it, the taxpayer must prove in considerable detail that the claim is unjust.

Undoubtedly tax evasion is a serious problem in Sweden, which is hardly surprising since the total tax burden is probably the highest in the world. Nevertheless the extreme official reactions to the problem are typical, and they may soon be extended thanks to the potential of microchip technology. Already a 1976 law has made it possible for official tax and fine collectors to deduct fines for traffic violations from one's bank account without notification and without asking permission. Proposals have been made to integrate bank and government computers so that officials may at all times have access to all financial information on individuals.[2]

On only one count has the power of Swedish officials been reduced. In 1974 a law declared 6000 high civil servants immune from prosecution by citizens. A few years later, a brave and exceptional citizen challenged the law in the European Court of Human Rights in Strasbourg as being incompatible with the human rights conventions signed and ratified by Sweden. The Court upheld his claim, and as a consequence the government repealed the law in 1981. The clear victory for individual rights represented by this decision was, however, somewhat obscured by the fact that the case generated almost no interest in Sweden itself. The prospect of state access to personal financial data is frequently taken as a great

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[2] Lincoln Allison, writing in the English weekly, *New Society* (July 29, 1982), on a recent trip through the Scandinavian countries, reports:

> Sweden has the best system of personal data in the world, which helps administrators and social scientists and facilitates sound order through the institution of identity cards. There is a proposal to make it more efficient by rationing Christian names. The Swedes did find this a bit risible, though. There was a cartoon of a baptism: "I name this child 675931."
>
> —*Ed.*

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relief; it will make tax returns unnecessary, since the state will simply deduct taxes from the bank accounts.

This insouciance is troublesome, and points to the central political, intellectual, and spiritual crisis of the welfare state. Daily life in Denmark is still tolerable and often quite gratifying because services are still available to those who need them now. But as the French political philosopher Raymond Aron has pointed out again and again, the "society of gratification" (*société de jouissance*) is doomed if it ceases to concern itself with the future. And this blindness toward the future is observable on many levels in the Scandinavian welfare state: in the rejection of defense, in the economic shortsightedness of groups and organizations, and in the unwillingness to have children (which has meant that the birth rate is well below the replacement level in Denmark).

We can see how the blindness arose: Again in Aron's words, the generation in power in the welfare states in Scandinavia and elsewhere is "a generation without history." It grew up during the 1950's and 1960's, when economic growth and relative peace seemed to mean that the old problems of economic and political survival were no longer relevant. But to be without a sense of history in these matters is dangerous when problems arise because small threats suddenly seem huge and routine challenges become intolerable and elicit fanatical, hysterical reactions. If there is one thing the modern welfare state needs, it is a sense of proportion.

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The three cultures: explaining anomalies in the American welfare state

AARON WILDAVSKY

In the late 1940's, at Brooklyn College, I became aware of a political anomaly: Some of my fellow student activists were neither capitalists nor socialists nor reformists. Certainly they were on the left (involved with civil rights, folk music, plain foods, and opposition to the college administration) but exactly where they belonged I could not tell.

During the 1950's, Lionel Trilling called this group the "adversary culture." He said it was a critical culture, and he was critical of it, but I could get no sense of its internal dynamics from his description. The adversary culture clearly was opposed to traditional values in art, literature, and other realms, but what form of social and political life this criticism was designed to keep together remained obscure.

In the 1960's, Irving Kristol redubbed this group the "new class." He was referring to upper-middle income intellectuals, suffering, perhaps, from status anxiety and relative deprivation, who cleverly got government to provide them with jobs and amenities paid for with general tax monies. Unfortunately, no one was able to explain why members of the "new class" behaved so differently from others —like their critics—who shared their social and economic status.[1]

[1] B. Bruce-Briggs, *The New Class?* (New Brunswick, N.J.: Transaction Books, 1979).

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This "new class," in my view, is neither new nor a class. What it represents is a cultural impulse which I shall call "sectarianism," an impulse as old as society itself. It has been in America from the beginning and has been elsewhere from the earliest times. The mistake, in my opinion, has been to look for a class instead of a culture.

Recent cultural conflict takes place through the decline of established orders and the rise of a critical sectarian culture. This rise is more pronounced in some areas of life than others, but present in all. It is a rise merely in degree, since sectarianism has been present all along, but nevertheless a rise sufficient to change the fabric of our lives in startling ways. We all notice it, even if we do not quite know what to call it.

In the United States today, every major integrative institution that must accommodate diverse interests—political parties, trade unions, mainline churches, the presidency—is under severe attack and is undergoing decline. By contrast, disintegrative movements —single-issue special interest groups, charismatic religions, candidate-centered political movements, a critical press—are flourishing. The disintegration of institutions has been accompanied on the personal level by the diminution of distinctions that once separated moral from immoral behavior, authority from disorder. Even a short list of eroded distinctions is impressive: those between male and female fashion; young and old; various types of sexual orientation and experience; the roles of parents and children, teachers and students. As old boundaries are breached, new ones begin to take their place. Smokers are separated from nonsmokers, polluted areas from unspoiled nature, pure wilderness from impure money-making, affirmative discrimination from the negative kind.

Sectarianism, I suggest, is at the root of this revolution in our times, and a new sectarian "regime" is already emerging. Boundaries that supported past patterns of authority and morality are declining in favor of different distinctions. In whose interest is it to change old patterns of practices? And how will these new patterns affect American culture and politics?

The three cultures

The central questions and challenges societies face are universal: How is social order to be achieved and maintained? Is there to be leadership and by whom? How is envy to be controlled, inequal-

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ity to be justified or condemned? Which dangers are to be confronted and which ones ignored? The questions are universal, the answers are different from culture to culture.

The answer of one culture, which I shall call "hierarchical collectivism," is to impose order centrally through a division of labor. Inequality is deemed necessary to safeguard the collective, each element being taught to sacrifice for the whole. Envy is controlled by teaching people their places, by reserving ostentation for collective bodies (such as the state or church), and by examples of sacrificial behavior by the elite.

The culture I shall call "competitive individualism" imposes order by maintaining agreement on the basis of freedom of contract. Leaders are chosen like every other commodity, by bidding and bargaining. There is no permanent leadership, only different leaders for different purposes. Envy is mitigated by showing that everyone can have a chance, or by blaming failure on personal incapacity or bad luck. For individualists, risk is opportunity as long as winners can personally appropriate the rewards.

Taken together, the alliance of these two cultures—hierarchical and individualistic cultures—constitutes the modern social establishment. From hierarchy comes order, including the rules for competition, and from individualism comes economic growth. To be sure, there are tensions between them: Hierarchies care more about the strict division of labor, while individualists care more about results.

What I shall call "egalitarian sectarianism" is opposed to both establishment cultures. Where competitive individualism believes in equality of opportunity, egalitarian sectarianism believes in equality of result. There is a world of difference between those who wish to reduce authority so as to promote individual differences, and those who reject authority so as to reduce individual differences. While individualism encourages all transactions that maintain competition, sectarianism rejects all bargains that increase disparities among people.[2]

[2] Are there any conservative sects? No, that is a contradiction in terms. But there are small hierarchies that may look like sects by virtue of their opposition to what they see as the normlessness of the larger society. The essential difference is that sects embrace the voluntary way, recognizing no imposition of authority, whereas the principles animating hierarchies are just the opposite. From this fundamental difference in social organization flow the political differences, with which we are familiar. The demands of the radical right are for acceptance, not rejection, of authority. These conservatives, even reactionaries, want obedience to a larger, not a smaller, number of prescriptions. They want to regulate individual, not business, behavior. They want to enlarge, not di-

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The animating principle of the sectarian world view in the United States today is *organization without authority*. Whether they be religious or secular, sectarians choose to live a life of purely voluntary association. From rejection of all authority, come their other political choices. They choose equality, because that is the only way people will agree to live together without authority. They choose criticism, because painting the society "out there" in lurid colors keeps sectarians unified. For them, leadership either should not exist (hence the endless discussions inside sects seeking consensus) or it should be perfect (hence the appearance of the charismatic leader). Envy may be mitigated by surface signs of equality —plain food, simple clothes, sharing wealth. Since perfect equality is rare, however, envy is also handled by expulsions and schisms as would-be leaders are driven out for usurping authority. Wealth creation is not the concern of sects, partly because they find it difficult to tax their members, and partly because they can take the creation of new wealth for granted while still criticizing individualism for failure to redistribute the wealth that already exists.

In discussing America, it is especially important to observe the crucial distinction between individualists and sectarians. Both share a desire to live with as few rules prescribing their behavior as possible. But where individualists maintain equality of opportunity to achieve distinction, sectarians choose equality of result in order to escape authority and avoid distinction. The two cultures offer fundamentally different challenges to authority. Because sectarians form part of a collective, they reject all outside authority. Because individualists have no collective ideal, they will join with anyone (including hierarchical authority), provided their ability to bid and bargain is respected. Individualists prefer minimal authority, sectarians none at all. Thus individualists can compromise about gradations of authority; sectarians, who seek perfect equality, cannot compromise.

The rise of sectarianism is responsible, I contend, for many anomalies that puzzle us in our public life. When we ask why the growth of the welfare state is severely criticized by those who demand it, why permissiveness in personal life goes hand-in-hand with regulation of public activity, why, in the end, there is condemnation

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minish, differences among moral rules, and hence among the people who are supposed to inculcate and enforce them. A woman's right to control her own body reduces the differences between her and men, whereas obedience to God's law not to take life, interpreted by His hierarchy, increases this difference. That is why sects are counted on the left, while the small hierarchies to which they bear a surface resemblance are on the right.

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of established authority without anything to take its place, the sectarian hypothesis offers a consistent and persuasive explanation. It is therefore worth asking where it came from, what sustains it, and whether anything should or can be done about it.

Of integrative and disintegrative institutions

The political consequences of sectarian culture are nowhere more apparent than in the changing fortunes of our integrative and disintegrative institutions. Why have American political parties, for instance, declined in terms of membership, of allegiance among the citizenry, and of support by politicians? Why are they no longer able to keep divisive issues, like abortion and busing, out of national life? Why have parties become less popular even while they reform their procedures to make themselves more democratic?

The textbook definition of a political party is an organization that nominates candidates for office. If this vital function is transferred to primaries, where voters cannot know the candidates, and where no deliberation about their qualifications can take place among knowledgeable politicians, parties can no longer integrate various political viewpoints. Coalitions that will help candidates govern cannot be formed before the election. For one thing, candidates no longer need parties—they need not even be politicians—because party leaders cannot help them get nominated. Nominee selection has been so disintegrated into numerous primaries and rules for delegate selection that the only people excluded from the process are (a) a majority of the population, whose votes are needed for election, and (b) a majority of office holders, whose support is necessary to govern.

Nothing shows the strength of political sectarianism as much as the excess of issue-making over issue-containment. The desirability of issue-expression is a trademark of sectarianism. Political parties, sectarians argue, should be far apart; they should give voters a clear choice by differing sharply on as many issues as possible; they should stick to their principles without compromise; and, above all, they should not put the forming of coalitions to win elections ahead of maintaining the purity of their positions. Politics is dirty; only unyielding adherence to principle is clean.

There is a connection between public apathy and regulations requiring proportional representation of sexual and racial groups. By choosing delegates among self-selected activists, according to non-party criteria, the process produces apolitical politicians who are far

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more extreme than their party's voters. The more parties behave like sects, putting purity before politics, the less popular they are with voters.

The story is the same in Congress: The more it reforms itself to encourage expressiveness by individual members, so they can show their moral sincerity, the worse its collective performance becomes. Congressmen do spend more time catering to their constituents today, and this affection is mutual; voters love their congressmen, it is only Congress they hate. Just as presidents do best campaigning against "the government," so congressmen run against Congress. As each congressman becomes more influential—through downgrading of seniority, better committee assignments, more staff, and other such equalizing devices—Congress as a collectivity becomes less cohesive.

If Congress is regarded as an organization devoted to the reelection of its members through service to selected constituents, it undoubtedly has been successful. Incumbents are reelected with far greater frequency today, and specific services (the congressional caseload) have grown exponentially. But if Congress is viewed as a governing body, aggregating and reconciling preferences, it is doing worse. The increasing frequency with which congressmen are refusing to seek reelection, and the denigration of the institution by its members, are two important indicators. In the budgetary process, the size and frequency of deficits, the growing gap between authorization and appropriations, the delay in passing the budget, the prevalence of continuing resolutions (a classical sign of dissensus), the wholesale escape from the appropriations process itself ("back door financing" through direct drafts on the Treasury, loan guarantees, off-budget expenditures, and so on), all indicate a lack of connection between the whole and the parts.

Not long ago, the American people displayed their distrust of power by approving a constitutional amendment limiting a president to two terms in office; since that time, they have found only one president able to serve two full terms. The long-term decline in presidential popularity, the decrease in the time in office of cabinet members and top officials, and the willingness of the media to criticize presidents, are all indicators of an institution in trouble. I am convinced that the interest of all recent presidents in federalism, whether they want larger or smaller government over all, stems from the desire to escape criticism by devolving responsibilities to other levels of government.

Matching the failure in integrative institutions is the apparent

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success of disintegrative institutions. Single-issue special interest groups (the designation rolls off the tongue now as if it were a single word) are known by what they do *not* do—take positions on a wide range of issues and attempt to reconcile preferences and establish priorities among them.

Among these groups are those whose success lies in convincing others to accept their self-designation. They are altruists for especially deserving interests, of course, while "private-interest" groups are in it only for themselves. The purity of public-interest groups lies in their motives, just as the impurity of the opposition (labor unions or corporations) lies in their devotion to material gain. These interest groups are no novelty in American life. But today integrative institutions, like political parties, Congress, and the presidency, are too weak to mediate or resist their claims. Demand-making is on the rise in American politics, while demand-shaping and demand-resisting is on the decline.

The political anomalies: ends without means

The declining political institutions in America share three characteristics: They are organized on a hierarchical basis; they reconcile the preferences of their members or constituents on a wide variety of issues; and they attempt to integrate these views with those held by others of somewhat different persuasions. The ascendent organizations are just the opposite: They accept no authority unless it be the occasional charismatic leader (i.e., a Ralph Nader); they are single, not multiple, issue groups, and they reject rather than reconcile with groups that differ with them. Thus, success and sectarian organization have virtually become synonymous. This accounts for anomalies that have hitherto proved puzzling.

Why, for example, as government grows bigger, is it subject to a corresponding crescendo of criticism? We understand the critique of individualists who were always opposed to a large public sector, but how do we explain the hostility of those on the liberal-left who were and still are its strongest supporters? The sectarian hypothesis explains that both positions—a preference for programs to redistribute income, and opposition to the authority that government represents—make sense to people in a political culture that favors equality of result but not the exercise of hierarchical authority. And if government is simultaneously told that its welfare programs are woefully insufficient *and* that they lead to abject de-

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pendence and coercion, that is all to the good, as far as sectarians are concerned. Caught between coercion and inequality, established authority is doomed.

There is a torrent of criticism of these established institutions; we all see that. But why is it so unrelievedly negative? Despite the disarray of democratic institutions induced by the Vietnam war and the Watergate scandal, there has been no rival program or party or leader to profit from the situation. Why not? In a country characterized by the lack of a hereditary hierarchy and the presence of strong individualism, socialism is not a real option. A culture of communes, moreover, each interacting on an equal basis under agreed rules, comes uncomfortably close to the individualism that sectarians avoid. Far better for sectarians, who abhor compromise as insincerity, to remain faithful to the principle of pure criticism. Hence the endless search for a single issue—an unspoiled environment, complete safety, equality of income—on which they can maintain a consistent stand.

Except for brief periods, sectarians cannot govern. Governing accepts responsibility; responsibility implies limits; limits require choice; choice necessitates compromise; compromise means sacrificing the best for the good. Sectarians, as Max Weber wrote, "cannot enter into an alliance with the political power." They want government to reduce inequality but they must also condemn its exertion of authority.

Is the presidency the institution of first resort, and are presidents responsible for redressing every evil? Or is the presidency the institution of last resort, and should presidents only step in when other institutions fail to do their duty? Ambivalence about the answers to these questions among presidents and their publics reveals an institution uncertain of its role. The expansion of presidential responsibility, together with uncertainty about whether it is appropriate to exert authority on so vast a scale, would be utterly inappropriate in a culture of individualism. A purely individualistic regime would have a limited government. A hierarchical regime might take on the sectarian's objectives (though it would be loath to make them overly specific) but then, willing the end, it would also will the means. Only supporters of a sectarian culture would so expand the aims of leadership while refusing to sanction the state apparatus necessary to achieve them.

The combination of opposition to economic growth and the demand that it be redistributed is peculiarly sectarian. Sectarians oppose growth because it supposedly increases inequality and

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strengthens the established, immoral order. While sectarian culture, expressed in the term "the permissive society," sets aside many rules formerly acknowledged to guide personal conduct, its opposition to authority forces it to set out even stricter rules governing the behavior of public officials. Officials must divest themselves of assets connected with the interests they are supposed to regulate, thus converting what was formerly the advantage of expertise into the disability of "contamination" by selfish interests. "Getting things out in the open," sunshine laws, open meetings, and freedom of informations acts all serve to reveal hidden privilege. And we observe, along with Lady Macbeth, that the more government cleanses itself, the dirtier it gets; the ineradicable stain, as sectarians have known all along, lies in the authority that constitutes hierarchy, and in the inequality of result embodied in individualism.

Bureaucracy without authority

In order to see how sectarianism affects government policy today, it is useful to distinguish the European and American welfare states along three lines: social insurance, subsidies, and regulation. Europe does much more than the U.S. to provide social welfare programs because hierarchical collectivism is much stronger there and competitive individualism much weaker. The sectarian impulse in Europe has been coopted by the social democratic parties; hierarchy is accepted in order to achieve equality. The "subsidy state"—welfare programs for rich and poor alike—is now present in both Europe and America. Once started to protect people against short-term adversity, it has proven difficult to stop on both continents, the main difference being that there is less state control in the U.S., where individualism is stronger, and more where collectivism dominates.

The important difference between the American and European welfare states, so far as sectarianism is concerned, is in regulation. Why is there so much more regulation in America, especially in regard to health, safety, and professional behavior, than in Europe, where the tradition of governmental intervention is so much stronger? Ordinarily, individualism rejects regulation and hierarchy favors it. But hierarchies also favor specialization because it confers expertise; a major rationale for the acceptance of inequality is that people in the proper position and with the appropriate credentials really do know best. Hence hierarchies are not disposed to place fetters on professionals, making it difficult, for example, to file or

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to win medical malpractice suits. The same goes for risk. Both management and union hierarchies are concerned about safety, but raising alarms over this or that food or chemical would be regarded as undermining the assurance of control hierarchies seek to give. Hierarchies cannot accept the main arguments for regulating risks—that dangers are hidden, involuntary, and irreversible —because that would constitute condemnation of the culture that did such awful things to its adherents.[3]

The dramatic turn that America has taken from the welfare to the regulatory state is attributable to the sectarian desire to punish departures from purity. Damage to nature, in the eyes of sectarians, is a mirror of our damaged social relations. So sectarians impose regulations on their enemies and affirm the connection between business ethics and bad health.[4]

Regulation wreaks havoc with federalism. If evil is evil and good is good, the more evil is prevented, and good is spread, the better. But if sectarians view differences among state governments as nothing more than justifications for bad behavior, how do they reconcile the nationalizing effect of regulation with their abhorrence of large, bureaucratic organization? Easy—they blame big business. The large corporation stands for the alliance of internal hierarchy and external markets—the establishment to which they are opposed. They justify regulation for public health and safety by the inegalitarian concentration of power in corporations, and they cite the increases in corporate size necessary to cope with the regulations as justification for their fear that society is threatened by bigness.

A sectarian political culture demands both increasing bureaucracy and decreasing authority. This explains why, as science and scientists are increasingly involved in debate over public policy, they are decreasingly respected. On the one hand, those who wish to show that the cultures they criticize (hierarchy and markets) cause contamination, must invoke scientists and scientific knowledge on their side. On the other hand, their sectarian social order has a congenital distrust of expertise because it suggests inequality. Expertise is a justification for collectivism, not for sectarianism. Bureaucracy coexists with lack of authority under sectarianism

[3] Individualists, like Adam Smith in his *Wealth of Nations*, argue the opposite: The benefits, not the dangers, of markets are hidden from view. The benefits, especially economic growth, are involuntary—people need not know they are producing them—irreversible, and will tend to make everyone better off in time.

[4] See Mary Douglas and Aaron Wildavsky, *Risk and Culture* (Berkeley: University of California Press, 1982).

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when people sharing similar values and preferring similar practices want the same things—enforcement of regulation throughout the country and decline of the inequality that allows certain people to decide for others on grounds of expert knowledge.

Fairness without responsibility

To expand the contradictions we are considering, why is it that the same people who support populist democracy (one person, one vote) also support judicial activism, which appears to negate this principle? Judicial activism is encouraged on behalf of causes—such as abolition of the death penalty, due process for prisoners, the rights of accused, damage from defective products—that blame the system rather than the person. "Blaming the victim," as sectarians see it (or personal responsibility, as the establishment prefers), justifies existing social relations. Blaming the system, requiring it to clean up its messes, holding it responsible for untoward events is peculiarly useful to sectarians who see themselves as judges of a corrupt society. Should the system be subject to blame, we might also understand better the increase in litigiousness in society. Judges would be deemed undemocratic only if they supported the establishment by holding to personal instead of systemic guilt.

This attitude toward the courts makes it apparent that concepts of fairness and responsibility differ according to the way of life each culture is supposed to support. For individualists, fairness is equal opportunity in competition. It is not success but failure (in theories, elections, or business) that is crucial, because markets for ideas or goods are regulated by the dropping out of the worst. That is why political democracy is mostly about getting people and parties out of office, and has very little to say about what they should do when they get there (other than to leave gracefully when they lose).

Fairness in a hierarchy is about following the forms specifying the relation between the parts and the whole. Being treated fairly means being allowed to fulfill the responsibilities of one's station and supporting superiors who do the same. Fairness follows function in observing the division of labor and the boundaries between each specialty. The soldier must obey the superior officer but the general may not invade the subordinate's home.

To sectarians, fairness follows outcome; fair is equal. Equality makes it possible to do without responsibility or authority. If people are not responsible for their personal success or failure, inequality is unjust and unfair. Since the absence of authority is

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difficult to measure directly, it is tested indirectly by the absence of distinctions that might confer advantage. Redistribution of income is bolstered by other egalitarian choices—informal dress (formality goes with hierarchy), bare "worker housing," meals without a main course—which protest against the artificial distinctions introduced by hierarchical organization. Sectarians are distinguished, so to speak, by their lack of distinction. What could be more fair?

History without winners

"The seller's market for guilt" that historian C. Vann Woodward finds pervasive in American public life, is, as he says, different from anything we have known before.[5] "It is something congenital, inherent, intrinsic, collective, something possibly inexpiable, and probably ineradicable." For "the curious thing" about this criticism is that it includes ancestors as well as contemporaries, extends to "the founding fathers and founding mothers, who have come to be regarded as the guilty parties—or at least the original sinners." With authority identified as coercion, and inequality as injustice, it is no wonder that "American history becomes primarily a history of oppression" with no redeeming features, neither a civil war against slavery nor a foreign war against despotism.

Attention in historical writing, Woodward informs us, has shifted from oppression to the oppressed. Why, we may ask, has America gone from being "the land of liberty" to "the home of the oppressed"? American women have gone from being the freest women in the world to victims of male chauvinism. The elderly have exchanged their reputation for wisdom for a designation of "disadvantaged." Youth receives preferred treatment at Democratic Party conventions. Entire regions seek official designation as "underprivileged," as if it were a badge of honor. American blacks, Chicanos, Native Americans, and other ethnic minorities, are now considered "Third World" peoples as if they lived in a regime controlled by foreigners. That government subsidizes these categories, paying people to fit into them, is a triumph of sectarian doctrine.

No one is considered a winner in American history, nor are there any self-declared winners today. On all sides there is gloom; each side claims it is losing. Everyone concerned, I think, is correctly per-

[5] C. Vann Woodward, "The Fall of the American Adam," *Bulletin of The American Academy of Arts an Sciences*, XXXV, no. 2 (November, 1981): 24-34.

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ceiving the situation from their own perspective. The establishment, made up of collectivist and individualist cultures, is under attack. And, compared to where it was, it has been losing. Corporations live within a web of regulations far more restrictive than in the past. The presidency, which is the closest thing the government of the United States has to a central, hierarchical institution, has had its authority much diminished. (The scope of the presidency, its involvement in major matters of foreign and domestic policy, has been much enlarged, but its formal prerogatives have contracted.)

The situation is quite straightforward on the sectarian side: *Sectarians exist not to be satisfied.*

Sectarianism is a contradictory culture

The anomalies in American politics that I have attributed to a rise in sectarianism may be summarized by saying that sectarians impose contradictory demands on government and society. They insist that equality increase, while demanding that government stay small. They insist on bureaucratic regulation, to show that government is ridding itself of moral impurities, while challenging governmental authority. The very government which sectarians call into action to enlighten the public is the same one that is always acting underhandedly to deceive the people.

The phenomenon of ungovernability, which has been said to afflict Western democracies in the era of the welfare state, undoubtedly has many causes. It may be, as both conservatives and Marxists contend, that buying votes leads to ever greater demands (the electoral spending cycle) until there is a "fiscal crisis of capitalism." Quite possibly, government has taken on tasks it cannot perform or that its people will not support. Were this the whole matter, the sense of crisis would not be in the air. Rather, one would hear of modest retrenchment, of a pause in the growth of the welfare state until the costs of oil or of pensions could better be accommodated. There is nothing surprising about outrunning one's resources, or spectacular about the difficulties of allocating a modest decline in standards of living. Why not just produce more and distribute more? No sweat. But when those who demand redistribution also oppose economic growth, and when those who expand government also condemn it for being too big, we may be pardoned for thinking that government is being programed for failure.

Collectivism and individualism are balanced cultures; the strong

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group boundaries and strong prescription of behavioral norms in hierarchies reinforce one another, as do the weak boundaries and lack of prescriptions in individualistic markets. The established cultures can govern alone; sectarian culture cannot. No orthodoxy, no heterodoxy. Sectarians make inconsistent demands because the rejection of authority and redistribution of resources cannot be reconciled.

In the past, the term sect was often preceded by the modifier "powerless." Sectarians either rejected the main society and moved to the wilderness, or so enraged the establishment that it destroyed them. Today, sectarians are part of the system that imposes regulations on their opponents. They are powerless no longer. What has transformed these insignificant sects into generators of major social change?

Government, that's what happened (with an assist from modern technology). The use of computerized mailing lists permits sectarian entrepreneurs to tap contributions from large numbers of people who do not participate directly in their group activities. This opportunity for vicarious participation has not only produced ready cash but has also simplified the task of leadership. Instead of satisfying an active membership, which might make contradictory demands, only the top leadership need be considered. *Sectarianism without sects is the clue to the comparative advantage of sectarianism in modern politics.* Taken together as a statement of political economy, the costs of entry (a few dollars per mail-order member) and of activity (lobbying and legal work) in influencing government have been vastly reduced. The benefit of interaction with government has increased while the cost has declined.

Sectarians must clearly separate themselves from evil (inegalitarian, coercive) social orders. Yet in a modern technological society most people cannot flee. And faced with a market economy populated in part by large corporations, sectarians alone cannot compel their opponents to transform their common existence. What can sectarians so situated do?

What they can do, and what they have been successful in doing, is get government to coerce other interests without being responsible for the consequences. This makes our sectarians very powerful. They must find the irony delicious: Instead of being subject to other people's rules, they impose, through government, a large number of rules on their opponents. So sectarians get stronger as their opponents are made weaker.

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American education: how are we doing?

BARBARA LERNER

IDEOLOGICAL answers to the question posed by the title of this article have proliferated in recent decades, but adequate, integrated summaries of the vast accumulation of relevant empirical data have not kept pace, making it difficult to form independent judgments. This article is an attempt to make it less difficult by reviewing and reanalyzing available data on four of the most important questions about American education: How adequate are our educational resources and how fairly are they allocated? What are the cognitive achievement levels of our students in comparison to those of their foreign peers today and their domestic counterparts of yesteryear? What was the effect of open, versus traditional, schools on our students? And how has the American public assessed American education in recent decades?

Levels and distribution of spending

If the quality of schooling could be assessed by resources and resource allocation alone, America would lead the world. Per-capita public expenditures on education are higher in North America than anywhere else on earth: more than twice as high as in Europe or the Soviet Union, and well over ten times as high as in Latin America, Asia, or Africa. We also send greater percentages of our children to

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school for longer periods of time: In 1975, 86 percent of all North American youngsters between the ages of five and nineteen were enrolled in school, compared to less than two-thirds of the children of Europe and the Soviet Union, just over half of the children of Latin America and Asia, and a scant third of the children of Africa.[1] Differences in wealth account for some of the discrepancies between regions and between countries, but national priorities enter in as well. Thus, measured by per-capita GNP, Sweden was richer than the U.S. in 1975, and its per-capita expenditures on education were correspondingly higher; West Germany's per capita GNP was slightly below ours and its per-capita public expenditures on education were lower as well. Yet data reported by the International Association for the Evaluation of Educational Achievement (IEA) indicate that in 1973 those two countries spent only 4.4 and 3.6 percent of their respective GNPs on education; we spent 7.7 percent of ours.

Our money and our willingness to spend it bought us teachers with the highest level of formal education in the world. IEA data indicate that teachers in the United States had more years of post-secondary education than those of any of the other developed nations studied. Our money and our values also make us less selective, keeping a very large proportion of our total adolescent population in class full-time through the final year of secondary school. The retention rate for the United States was about 75 percent; Japan was next with at least 70 percent; followed, or perhaps surpassed, by Sweden and Russia, with at least 65 percent each. Other nations, including some communist ones, tended to be much more selective at this level. According to IEA researchers, Belgium, Israel, Ireland, Australia, France, Hungary, and Finland had retention rates that varied from 47 to 21 percent; England, Scotland, Italy, Chile, India, the Netherlands, New Zealand, and Thailand retained between 10 and 20 percent; West Germany and Iran kept only 8 or 9 percent. Students who leave school prior to the final year of secondary school in foreign countries are generally considered to have completed a period of education appropriate for nonprofessional jobs; in the United States, such distinctions are rejected as elitist, and students who depart early are called "dropouts."

At the college and university level, America's rejection of selec-

[1] Robert M. Bjork and Stewart E. Fraser, *Population, Education, and Children's Futures* (Bloomington, Indiana: Phi Delta Kappa, 1980); Ruth L. Sivard, *World Military and Social Expenditures, 1978* (Leesburg, Virginia: WMSE Publications, 1978).

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tivity, in practice as well as in theory, is even more striking and unusual. In recent years, we graduated three-quarters or more of our secondary school students and sent 50 percent of them on to college—1.5 million out of a senior class of some 3 million. Available data suggest that no other western democracy came close; neither did any communist nation. Until very recently, the Soviet Union seemed to be graduating only about two-thirds of its secondary students and sending only about one in ten of them on to institutions of higher learning. Work by University of Chicago mathematician Izaak Wirszup suggests that in the last few years the Soviets' secondary school graduation rate has risen dramatically, but there has been no comparable increase in the number of Soviet students who go on to college, currently estimated at about one million.[2] China, insofar as available data enable us to judge, seems to be graduating less than 20 percent of its secondary students and to be permitting only about 5 percent of these—less than 1 percent of the entire age group—to enter institutions of higher learning. Thus, of some 6 million students who took the college entrance test in China in 1978, only about 290,000 were selected for postsecondary education, a selection ratio of about twenty to one.[3]

In addition to being numerous, America's college entrants were also quite representative of the population as a whole. As the 1970's ended, better than one half of them were women and better than 10 percent were black, percentages that correspond quite closely to each group's proportion of our total population. A substantial percentage of college entrants came from families with incomes below the national average. Black Americans from relatively impoverished families were even more likely than whites from similar backgrounds to be enrolled, and to ask for and receive financial aid to further their studies. In 1976, 70 percent of black and Hispanic freshmen received such aid, as compared to 52 percent of other students.

And although the United States has one of the least centralized systems of educational financing in the world, resource allocation is surprisingly even overall. Some social class differences remain at the primary and secondary school level, but regional differences are now minimal, and racial differences in resource allocation within regions appear to have been all but eliminated. Data from the massive Coleman report strongly support this conclusion, and more

[2] Izaak Wirszup, "The Soviet Challenge," *Educational Leadership* 38 (February, 1981): 358-360.
[3] U.S. Office of Education, Robert D. Barendsen ed., *The 1978 National College Entrance Examination in the People's Republic of China,* (1969).

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recent studies by other researchers confirm it. In the IEA sample, teachers in predominantly black schools had about as much experience and education as those in predominantly white schools, and spent about the same amount of time planning lessons and marking papers. Student-teacher ratios were also similar, and, when the availability of ancillary service personnel was taken into account, schools with high concentrations of black students appeared to have more librarians, reading specialists, and guidance counselors than predominantly white schools.[4]

Achievement: international comparisons

Alas, the relationship between educational resources and measurable intellectual achievement is, at best, modest. Often the impact on what students actually learn seems small, debatable, or even nonexistent; here, America provides the most poignant example. Though we rank first on measures of resources and resource allocation, we are currently not first on any measures of intellectual achievement. This appears to be true whether we compare American students with their counterparts in other developed nations, or with their predecessors in this country.

Cross-national comparisons are especially noteworthy but have received relatively little attention. Until recently, technical problems precluded researchers from gathering meaningful data on mean achievement scores on the same tests in different countries, but beginning in the late 1950's an international group of psychometricians and education specialists, working first with UNESCO and later under the auspices of IEA, worked out a series of generally reasonable solutions to those problems. They emerged in the late 1960's and early 1970's with a series of international tests in eight subjects, available in as many as fourteen different languages. These tests and the results of IEA analyses based on them are described in a twelve-volume series of studies, consisting of eleven international volumes and one national report for the United States.[5] Three of the eight areas covered by the IEA tests involved basic subjects: mathematics, reading comprehension, and vocabulary. Three others sampled knowledge in the sciences, literature,

[4] Richard D. Noonan, *School Resources, Social Class, and Student Achievement* (New York: John Wiley & Sons, 1976).

[5] The first two volumes were written by Torsten Husén and published in 1967. Three more volumes were issued in 1973, authored by L.C. Comber and John P. Keeves, by Alan C. Purves, and by Robert L. Thorndike; four more were issued in 1975, authored by E. Glyn Lewis and Carolyn E. Massad, by John Carroll, by Judith V. Torney, A.N. Oppenheim and Russell F. Farnen, and by

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and civics, and two more focused on foreign language facility, one using English for this purpose, the other using French. IEA science tests covered both biological and physical sciences, and included practical as well as theoretical questions. Although coverage was hardly exhaustive, it did seem broad enough to justify the conclusion of IEA president Torsten Husén: "Together with mathematics, these subjects cover practically all the principal academic subjects in the secondary curriculum." (Details on the IEA tests are given in the Appendix.)

How did American students fare? IEA researchers repeatedly disparage such questions, saying over and over again that they had no intention of fostering "an international contest" or an "educational Olympics." They imply that such comparisons are inherently inappropriate either because competition is bad in and of itself, or because such comparisons are politically sensitive, or because national samples are not perfectly comparable (due to differences in factors such as secondary-school retention rates). With regard to the first objection, it might be noted that, good or bad, competition among nations is ubiquitous, and there are, after all, worse things over which to compete. With regard to questions of "political sensitivity," the only proper conclusion is that researchers should consider themselves social scientists first and politicians second—if at all.

Unfortunately, IEA makes comparison among countries extremely difficult. Its data may be pure gold but they are buried in a forbidding mountain of mapless documents—twelve poorly integrated and confusingly numbered and renumbered volumes with no overall index or list of tables, and a host of other startling, selective technical omissions. The overall effect is to make it extremely difficult, not only for lay people but for technical experts as well, to make full use of this rich mine of comparative data.

To circumvent these difficulties, my strategy was to focus on rank-order differences among countries, using composite mean scores for each test in each country as the basis for the rank-ordering. No composite scores were offered by IEA researchers for the tests of English and French as foreign languages, but data that were provided suggest that reading comprehension scores in those lan-

Gilbert F. Peaker; two more volumes were issued in 1976, authored by A. Harry Passow, Harold J. Noah, Max A. Eckstein, and John R. Mallea, and by David Walker. The final volume, the national report for the United States, was written by Richard M. Wolf of Columbia University and issued in 1977. Wolf's volume was published by Teachers College Press; all other volumes in the series are published by Wiley.

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guages provide an adequate substitute; therefore, reading comprehension scores were used in the independent analysis discussed below. The results for the United States were these: Out of nineteen tests, we were never ranked first or second; we came in last three times and, if comparisons are limited to other developed nations only, the U.S. ranked at the bottom seven times. (Post hoc arguments for limiting comparisons in this way recur throughout the IEA volumes because the mean difference between the highest scoring developed nation and the average of the developing ones is approximately two standard deviations, twice the size of that between the highest and lowest scoring developed nation.)

With or without inclusion of the developing nations, it is not only at the extremes that American students did poorly, but all along the way. Our mean scores placed us in the bottom half of the rank-order distributions thirteen times and in the top half only six times. Underdeveloped nations participated in twelve of these tests and, though their scores are consistently and markedly lower than those of developed nations generally, students from Iran managed to surpass our students in vocabulary at age fourteen; students from both Iran and Chile did so at age eighteen and, although Thai students trailed us in science at age eighteen, the difference between their mean score and ours was less than that between our mean score and that of any developed nation.

Retention rates: explanation or excuse?

Do differences in secondary school retention rates largely explain the poor showing of American students, as IEA researchers claim? From the data published thus far, it is impossible to be certain, but it seems unlikely. IEA researchers were not exactly forthcoming in reporting secondary school retention rates in countries where those rates were most closely comparable to our own but, from data provided above, it appears that the two countries most similar to us in this regard are Japan, with a 70 percent retention rate, and Sweden, with a rate of at least 65 percent. Japan participated in six tests, surpassing us all six times and surpassing all countries three times. Its record, in brief, is first in three tests, second in one test, and last in none. Sweden participated in eighteen tests in which we also participated, surpassing us in twelve of them, placing first among all nations once, second twice, and last twice. This record is not as spectacular as Japan's but clearly superior to ours.

Other common arguments against comparing national samples

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focus on differences in emphasis given to different subjects in different countries; it is said that this makes cross-national comparisons all but impossible because students in different countries have not had equal opportunities to learn the material covered by the tests. Objections of this sort would seem to be relevant, however, only if someone were to use these data to try to answer questions about the innate intellectual potential of students in different nations, and no one has. The questions that have been raised, here and elsewhere, are not questions about what students in different nations are *capable* of learning; they are questions about what students in different nations have actually *succeeded* in learning and, with regard to American students in the 1960's and 1970's, the answer, from an international perspective, seems to be, "relatively little."

IEA researchers, while often oblique about such matters, nonetheless point to a much more sanguine conclusion. Richard M. Wolf, author of the national report on IEA results for Americans, presented what appears to be the strongest case for its conclusions, but his presentation is problematic in at least three respects. First, he echoed the claim, made throughout the IEA volumes, that differences in mean test scores between developed nations are almost entirely a function of differences in secondary school retention rates, allegedly because high retention rates are strongly associated with low mean test scores.

Accordingly, to assess fairly the effects of retention rates on test scores at the secondary level, it seemed desirable to examine data on the relationship between retention rates and test scores for secondary students in all 21 countries participating in the IEA study, and to count all students enrolled in the final year of secondary school in all nations, regardless of the curriculum in which they were enrolled. To do this, it was necessary to add data on retention rates in the four countries Wolf unaccountably omitted,[6]

[6] Retention rates for three of the omitted countries—Japan, Israel, and Ireland—are reported elsewhere in the IEA volumes and my own investigation suggested that the single exception—Rumania—had a retention rate that surpassed our own. One could, perhaps, argue that some Rumanian students were in a vocational curriculum, others in an academic one, and that only students enrolled in the latter curriculum should be counted, but consistency would seem to require a more inclusive approach. American retention rates used throughout the IEA volumes do not appear to exclude students enrolled in vocational curricula, and data from a separate, large-scale survey of American students indicate that average enrollment in vocational curricula in our high schools is about 40 percent. (Inconsistencies among IEA researchers in this regard may also help to explain why some of the other retention rates they report, such as those for West Germany, seem artificially low.)

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and also to correct the figure he gave for Sweden (45 percent) to make it consistent with that for other nations by including Swedish vocational students along with academic ones as other IEA researchers seem to have done in reporting retention rates for Sweden as, variously, 65 or 75 percent. To facilitate examination of the relationship between these corrected retention rates and test results, I rank-ordered every country according to the mean composite scores achieved by its secondary students on every exam in which those students participated. Spearman correlations were then computed for each of the nine tests taken by students in the final year of secondary school to examine the relationship between retention rates and achievement scores. When all 21 nations were included, none of the correlations proved significant; developing nations tend to have highly selective secondary schools. When only developed nations were included, seven of the nine correlations were still nonsignificant. Only two, those using scores from the reading comprehension and science tests, achieved significance, and Japanese students participated in neither.

While high retention rates may depress some mean test scores at the secondary level, claims that this factor accounts for most of the variance in achievement are exaggerated and provide a false excuse for the relatively poor performance of American students. Beneath all the seeming complexity, the plain truth appears to be this: In the late 1960's and in the 1970's, American students did not perform as well as most of their peers in other developed nations, and their poor showing cannot be attributed mainly to the egalitarinism that makes us encourage large majorities of our students to finish high school.

Wolf and some of his IEA colleagues offer two other consolation prizes to Americans. They claim that in comparisons excluding secondary students, other nations score below the American mean more often than above it, and that estimates of the performance of the top 1 to 9 percent of the secondary school population show no real differences between countries.[7] The first claim is less impressive

[7] To evaluate the significance of the first claim, I rank-ordered every country according to the mean composite scores achieved by its ten- to fourteen-year-old students on every test in which at least six nations participated. Twelve tests met this criterion; the United States participated in eleven of them and our mean scores place us in the bottom half of the distribution of six of them. It is, nonetheless, true that Wolf's first claim is technically correct, insofar as a total of 66 nations had means below ours and "only" 59 had means above ours on tests at these age levels. However, in appraising the meaningfulness of such counts, it seems worthy of note that 22 of the 66 nations we surpassed were underdeveloped ones. Among developed nations, only 45 had means below ours; 58 had

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than it appears, and the data provided seem insufficient to insure a fair independent appraisal of this second point. If it is true, it is somewhat surprising in light of other, purely domestic data on the performance of American students over time.

The history of American achievement

Comparisons of the intellectual performance of American students today with that of American students in the past are more common than cross-national comparisons. As a result, the major finding of domestic comparisons has received wide publicity: American high school students are learning a great deal less today than they did in earlier decades. Here, the prize for length of temporal reach must go to Alvin Eurich. In 1928, as a 25-year-old research assistant, Eurich prepared some of the earliest standardized tests of reading comprehension and vocabulary, and administered them to Minnesota high school seniors and to freshmen at the University of Minnesota. In 1978, he readministered the same tests to samples of students drawn from the same schools. The differences were "striking and highly significant" and revealed a marked decline in mean scores on both tests over time.

Of course, Eurich's temporal comparisons, like the international comparisons considered above, are complicated by differences in retention rates for different samples: In the 1920's, the proportion of American students who finished high school and went on to college was closer to that in underdeveloped nations today than to current proportions in this country. Our twelfth-grade retention rate was 17 percent in 1920 and below 10 percent in earlier decades. As a result, it is tempting to argue—as IEA researchers do—that the poor showing of American secondary students today is not a function of any absolute decline but merely reflects the democratization of higher education in the United States in recent decades. IEA researchers, however, seem to be the only ones who yield to that temptation, and even they are not unanimous in doing so. Eurich compared students whose scores placed them in the top 1 percent, then and now, and found that in 1978, no student scored above 75 on this test (a drop of 20 points from the highest scores in 1928)

means above ours, even at the age levels at which American students turned in their best performances. That record is certainly less depressing than the one made by American secondary students, who were in the bottom half of the distribution on seven out of eight tests and at the very bottom of the distribution of developed nations on six of them, but it is not exactly a record to cheer about either.

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and only 1 student out of 100 scored near 60 in 1978 (whereas 5 out of 100 did so in 1928). Other researchers, working with the Scholastic Aptitude Test (SAT) and with other national tests, also concluded that the decline in this country is manifest not only in lower proportions of high-scoring students, but in lower absolute numbers of them as well.

Published data from the SAT have a narrower time frame, spanning a quarter century rather than a half century, but there is much to be learned from the mean scores of the million or so American high school students who take this test each year. SAT data show that from the mid-1950's to the mid-1960's, the mean scores of American students showed little variation, ranging from 472 to 478 on the verbal reasoning section of the test, and from 495 to 502 on the mathematical reasoning section. However, in the second half of the 1960's both scores began to decline and continued to do so in every subsequent year, falling to 460 and 488 respectively by the end of that decade, and to 427 and 467 respectively by the end of the next one. The actual magnitude of the decline was somewhat greater than these figures indicate. Research on "scale drift" shows that the SAT itself was quite stable from 1941 to 1963 but suffered some downward drift from 1963 to 1973, making it somewhat easier to get higher scores after 1963 than before.[8]

It is still too soon to tell whether the decline will be halted in this decade, but data for 1980 were not encouraging: Scores fell again, to 424 and 466 respectively. Once again, the low scores of contemporary American students cannot be fully explained by pointing to differences in high school retention rates. First, the decline in mean scores has been accompanied by a decline in the absolute number of high-scoring students on the SAT as on the Eurich tests. Second, the great expansion in the percentages of American students who complete high school and go on to college took place in the 1960's; in the 1970's those percentages stabilized, but the decline in SAT scores did not. Instead, it accelerated.

[8] Jeanne Chall's analysis of the difficulty of reading passages on the SAT reinforces this conclusion (Jeanne Chall, "An Analysis of Textbooks in Relation to Declining SAT Scores," College Entrance Examination Board, 1977). She found that in 1947 and 1955, those passages had a Dale-Chall corrected grade level of 13-15, but in 1962, 1972, and 1975, they had levels of only 11-12. Over the same period, the difficulty level of best-selling textbooks for eleventh grade students remained stable, with a corrected grade level of about 9-10, but striking differences in qualitative features suggest that the intellectual demands actually made on students in the more recent years were markedly lower. And there is some evidence that the reading levels required by typical college textbooks have also been lowered in recent years to accommodate poor readers at both two- and four-year colleges.

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Achievement declines in the SAT were also followed by declines in mean scores on most of the liberal arts content examinations administered by the American College Testing Program (ACT). (These exams are taken by about a half million American high school students each year.) Results of special statewide SAT testing programs involving all students in the final high school years showed a similar pattern of decline and revealed, once again, that the decline is greater at the top of the distribution than at the bottom. Cognitive test results for samples of eleventh graders in the massive Project TALENT study, which included over 400,000 students in its 1960 sample, also showed a decline when a new sample of eleventh graders was given ten of the same tests in 1975. A similar decline was manifest when the reading comprehension test given to the 1960 TALENT sample was given to the 1972 National Longitudinal Study sample. Scores on the science, writing, citizenship, and social studies tests given to seventeen-year-old students by researchers for the National Assessment of Educational Progress (NAEP) also showed significant declines from the late 1960's to the mid-1970's, and results on the Iowa Tests of Educational Development were similar.

Overall, there are only two divergent findings from large-scale cognitive assessment studies using national samples of high school students, and both are easily reconciled with the unidirectional thrust of the studies reviewed above. The two apparently contradictory findings were reported by Project TALENT researchers, who found a slight rise in the reading scores of twelfth graders in the 1960-1970 period (prior to the decline manifest in their data in 1975), and by NAEP researchers, who made enthusiastic public pronouncements about a slight rise in basic literacy rates achieved by seventeen-year-old students between 1971 and 1975. Even if accepted at face value, the TALENT findings, taken as a whole, raise no questions about the reality of the decline, only about its timing. And sampling problems in the 1970 study make their data seem less reliable on that point than that of other researchers.[9] With regard to the NAEP findings, contradictions there are more apparent than real: NAEP's literacy test was designed to measure students' grasp of basic skills at a level far below that measured in the studies discussed above.

Overall, the evidence pointing to a decline in the cognitive

[9] Lauress L. Wise, "Project TALENT: Studying the Development of our Human Resources," *New Directions for Testing and Measurement* 2 (1969): 1-26.

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achievements of American high school students in the last two decades is conclusive, and relatively few concerned Americans remain unaware of that fact.

Achievement declines in elementary school

Two other major findings about the intellectual performance of American students over time have, however, received much less publicity. The first is that there has also been a marked decline in cognitive achievement in elementary school, a decline that may rival that in high school. With these younger students, the retention rate fig leaf must be discarded altogether because there have been no major changes in the proportion of American students completing the eighth grade in the last two decades. Beginning in the 1960's, clear signs that these students were also learning less—at least in the second half of elementary school—began to appear.

Here, it is important to note that there is virtually unanimous agreement that there was no decline in achievement in the first half of elementary school in the 1960's or in the 1970's. Instead, there were improvements in many areas, and there may also have been some gains, even in the 1950's, despite the fact that the difficulty of first grade reading texts declined steadily over the entire 42-year span from 1920 to 1962. Beginning in about 1962, however, the downward drift of first-grade readers was reversed: These books became more challenging and began to stress phonics (a trend that accelerated after 1967 in response to research suggesting that it had probably been a mistake to abandon this method). Tougher readers, more phonics, the cheerful and useful omnipresence of "Sesame Street," and the increasing prevalence of preschool instruction in general (and of Head Start programs in particular) seem to have worked together to maintain and improve achievement levels in the early grades of elementary school throughout the last two decades.

The decline in student achievement scores over the last two decades first begins in about the fifth grade, and by the eighth grade it seems comparable in magnitude to declines at the high school level. Unfortunately, the record here is not as complete as that available for high school tests such as the SAT. No major publisher of elementary school tests has issued annual reports on the mean scores of American students over the last two decades, and no blue ribbon panel has been appointed to investigate declines in this area. Generally, the data that are publicly available are derived from

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periodic "renorming" studies which use large representative national samples. These provide excellent comparative data on test scores at two points in time—the year when the last standardization was done and the year when the restandardization took place—but little or no data on year-by-year changes between those two points. As a result, precise figures on rates of change on any one test over time are unavailable and, because each publisher acts independently of the others and no central coordination exists, that data are available for one test are not always available for another in the same form.

Still, it is usually possible to measure changes in scores by standard deviation units, and to derive average annual rate of change figures from them. Recently, Paul Copperman did this, using standardization data from four major tests in wide use in American elementary schools; by supplementing his data with previously published data on the SAT and ACT tests, it is possible to obtain approximate comparative data on the magnitude of changes in achievement levels at the end of elementary school and at the end of secondary school.[10] Those data strongly suggest—but do not prove—that achievement declines manifest in the eighth grade from the mid-1960's to the end of the 1970's were as great as the decline in twelfth grade achievement.

It is important to keep in mind that only the exact magnitude of the decline remains questionable. The decline itself is a reality, in the upper elementary years as in the high school years. And there is at least one other decline that merits serious attention in assessing the quality of American schooling today: The scores of female students dropped more steeply than those of male students in the 1970's, an anomalous finding for "the equal rights decade," but a reality nonetheless. The result is that, by 1980, the average male taking the SAT had a verbal score of 428 while the average female had a score of 420. On the mathematical part of the test, the average male score was 491 and the average female score was 443. The superiority of male performance in mathematics is a long-standing phenomenon, but it is distressing to see the gap widen as a result of further declines in female performance in this area. The gap on the verbal part of the test is smaller but just as distressing because it is a new development. Prior to 1972, females consistently outperformed males in this area and their edge here helped to reduce the overall gap produced by their lower mathematics scores.

[10] Paul Copperman, "The Achievement Decline of the 1970's," *Phi Delta Kappan* 60 (1979): 736-739.

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That edge was always a fairly modest one; it was wiped out in 1972 and has not reappeared since. Males outperformed females on both parts of the test in every year from 1972 to 1980.

Hard work

Spending on education, as shown above, does not seem to explain the overall drop in achievement; besides, the level of spending increased throughout the period of the score decline, and distribution became far more even. Thus, fashionable hypotheses about "school inputs" thought to be related to "outputs," such as achievement, shed no light on the problem. A number of less fashionable but nonetheless interesting hypotheses have also been advanced. Four possible determinants of achievement will be considered below: amount of homework, amount of class time spent directly on relevant school work, frequency of class attendance, and textbook demand levels. They are listed singly because that is how they usually appear in the research literature, as single variables discussed in separate studies, but it may well be that there is really only one important variable here—the hard work variable.

Evidence that hard work, as measured by the amount of homework students do, is related to cognitive achievement is especially clear in the IEA studies. IEA researchers seemed distressed by this finding—Robert L. Thorndike called it a measure of "grim effort" but conceded that it did "generally seem to add a little something further to prediction." In fact, it proved to be the single most powerful school variable in the entire IEA survey, not only as a predictor of achievement in reading, but in virtually every other subject studied. In many cases, it was just about the only school variable that *did* correlate with achievement. Wolf described the American situation this way: "Outside of the homework variable, there was little consistency in the results. A variable that showed an independent relationship with achievement in one subject at one population level often failed to appear in the analysis at another population level in the same subject." The positive relationship between homework and achievement held fast, however, not only in America but in all other nations studied as well. John B. Carroll, in the IEA volume on French, writes that Rumanian students' performance was outstanding, especially among fourteen-year-olds, surpassing that of American students by about a standard deviation: "Countries differ consistently over populations in the amount of school homework their students report doing. Rumanian students

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do more homework, apparently, than students in any other country. (On the other hand . . . Rumanian students get and need little help from their parents.)"

That, as it turns out, is a bit of an understatement. Thorndike, in an essay published two years after his book on reading comprehension, described the relationship between achievement and parental help with homework—as distinct from homework itself—more clearly: "It appears, in particular, that parents' help with homework is more an indication of childish ineptitude than of parental commitment. The correlation was negative practically without exception for all countries, all subjects, and all levels."[11] Homework really helps, but only if students do it themselves. Homework has not, however, been fashionable in America in recent decades: Students in the Project TALENT sample reported spending less time studying in 1970 than they had in 1960, and data from another recent study indicate that such self-reports are likely to contain significant overestimates of the actual amount of work done (particularly by low-achieving students).

Results for the other two measures of hard work—amount of class time spent on relevant schoolwork and frequency of class attendance—are similar. Additional data and analyses underlining the strength of the relationship between the actual amount of class time spent working directly on particular subjects, and student achievement gains in those subjects, can also be derived from a number of studies of teacher effectiveness. But of course, no organization of class time by teachers will help students who fail to attend class at all, and as Annagret Harnischfeger and David E. Wiley point out, pupil absence rates have increased steadily over the past decade, resulting in smaller average amounts of schooling for pupils.[12]

Even when they did come to school, pupils in recent decades have been less inclined to work hard there: Harnischfeger and Wiley's data also show a substantial decline in enrollment in academic courses in high school. The result is that even though more

[11] Robert L. Thorndike, "The Relation of School Achievement to Difference in the Background of Children," in Alan C. Purves and Daniel U. Levine, eds., *Educational Policy and International Assessment* (Berkeley, California: McCutchan, 1975).

[12] Annagret Harnischfeger and David E. Wiley, *Achievement Test Scores Decline: Do We Need to Worry?* (St. Louis: CEMREL, Inc., 1975); Harnischfeger and Wiley, "Achievement Test Scores Drop. So What?" *Educational Researcher* 5 (1976): 5-12; Harnischfeger and Wiley, "The Decline of Achievement Test Scores: Evidence, Causes and Consequences," *TM Report* 79 (February, 1979).

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students than ever before go on to college, those students have had fewer courses in subjects such as general English and mathematics, and fewer still in demanding college preparatory courses such as algebra, foreign languages, and physics. Chall's work indicates that the courses they have had may well have been easier in recent decades than in earlier ones, course titles notwithstanding. Jeanne Chall analyzed changes in sixth and eleventh grade textbooks in history, literature, composition, and grammar from 1935 to 1975. Her work is especially interesting because she carefully distinguished between *difficulty levels* and *demand levels*; she found that while the former had remained more or less stable over time in these upper grades, the latter had declined sharply. (Difficulty levels were measured by means of quantitative word counts; demand levels were inferred from such qualitative features as degree of child-centeredness—as contrasted with subject-centeredness—amount of entertainment-oriented material, and difficulty of work requirements and expectations.)

Chall found that in earlier decades textbooks tended to be "relatively small books, straightforward and factual . . . meant to be read . . . and designed to impart information," and noted of a typical book of this period, "there seems to be no attempt to be 'child-related' . . . it does not try to entertain. The style of writing assumes that the child will reach for the material rather than having the material accommodate the child." In contrast, more recent books were found to "resemble encyclopedias on the outside and picture magazines on the inside, with illustrations on three out of four pages and a matching somewhat chatty style," and to be "written for and to the child," and to seem "to do almost everything for the child." These later books were child-centered to a degree that risked distorting the material presented, and entertainment-oriented in the extreme, featuring cartoons, songs, and little stories. With regard to work requirements and expectations, Chall found that the writing requirements in typical texts had dropped from 44 percent in 1936 to 4 percent in 1965. Most important for the purposes of this review, she found that student achievement levels in these upper grades were much more closely related to demand levels than to difficulty levels, a finding with an obvious explanation. After all, if students are not really required or expected to read their textbooks, then it really doesn't matter much how hard or easy they are.

Given these results, increased demand levels seem in order, along with more required courses, more homework, and stronger

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sanctions against absenteeism. Such measures might be expected to improve cognitive achievement levels for all students and to be particularly helpful to those from whom American society has expected too little—disadvantaged students in general and female students in particular. Such measures would inevitably reduce freedom and flexibility in the classroom and, for that reason, they have been denigrated by influential figures in education who claim they are likely to stifle student creativity and to reduce self-esteem and happiness. As a result, many American classrooms have been reshaped in the opposite direction in recent years.

Evaluating "open" education

The most influential reshapers of American schools in the 1960's and 1970's were proponents of "open education." In essence, this was a new name for an old approach that received its first, and in many ways it most persuasive, exposition from John Dewey. Dewey conceived of education as an active, self-directed discovery process, and felt that teachers could best assist it through informal interaction with individual students who would be free to pursue their own interests in their own way. Such an education, he argued, would foster healthy emotional and social development, as well as intellectual growth, and was therefore preferable to such traditional devices as fixed curriculum requirements, didactic lectures, restrictions on physical movement and on social intercourse, and external rewards and punishments (marks and grades).

These attractive but largely untested ideas aroused lively debate in the United States in the 1920's and 1930's, but in the 1940's and 1950's they fell into disrepute, only to be revived with a vengeance in the 1960's and 1970's by new groups of enthusiasts convinced that traditional American schools were senselessly repressive places in need of radical restructuring. Some of these new ideologues were self-styled neo-Marxists, others were Freudian extremists, but many of the most influential were pillars of the American establishment, armed with generous foundation grants and backed by distinguished advisory committees.

Charles Silberman's 1970 book, *Crisis in the Classroom*, exemplifies the extraordinary embrace of extremist rhetoric and messianic claims that became common among a significant segment of American intellectuals during this difficult period. Silberman, Director of the Carnegie study on the education of educators, claimed that:

> It is not possible to spend any prolonged period visiting public school

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> classrooms without being appalled by the mutilation visible everywhere—mutilation of spontaneity, of joy in learning, of pleasure in creating, of sense of self. . . . Because adults take the schools so much for granted, they fail to appreciate what grim, joyless places most American schools are, how oppressive and petty are the rules by which they are governed, how intellectually sterile and esthetically barren the atmosphere, what an appalling lack of civility obtains on the part of teachers and principals, what contempt they usually display for children as children. And it need not be! Public schools can be organized to facilitate joy in learning and esthetic expression and to develop character in rural and urban slums no less than in the prosperous suburbs.

Silberman, like many others before and after him, was an uncritical admirer of developments in British primary schools in the 1960's, seeing in their adoption of our largely dormant progressive tradition a model for Americans to emulate, and a panacea for the sorts of youth problems that began to emerge in the 1960's. Research support for these extravagant denunciations and claims was noteworthy mainly for its absence, but Silberman and his supporters were not deterred. They urged the immediate, wholesale rejection of traditional educational methods, viewing their opponents as insensitive reactionaries, and insisting that the immediate, wholesale adoption of open education methods would foster joy and creativity in all students, and would be especially beneficial for disadvantaged ones.

As is often the case with genuine innovators, Dewey himself had been more cautious and pragmatic, arguing that the worth of any institutional innovation should be measured by its actual effects on those exposed to it. Happily, some of his contemporary followers took him seriously enough to do just that—notably Neville Bennett, an English educator sympathetic to open education but unwilling to accept rhetoric as an adequate substitute for the systematic study of demonstrable results. Bennett undertook such a study comparing the progress made by students of teachers committed to open education with that made by students of teachers committed to more formal approaches. His main findings were ably summarized by Jerome Bruner:

> The more formal the teaching, the more time pupils spend working on the subject matter at hand. And in general, though with some important exceptions, the more time pupils spend working on a subject, the more they improve at it—not a huge surprise, but one that grows in importance as one looks at the other results. For though it may come as no revelation that students in the more formal classrooms improved considerably more in reading and in mathematical skills than the less formally taught, it is much more revealing that pupils in informal set-

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> tings did *not* do any better on their creative writing than their more formally instructed fellows.
>
> What of personality and teaching styles? Most pupil "types" progress better under more formal teaching. And particularly the insecure and neurotic pupil: he seems able to attend to work better, and harder, in a formal setting. Particularly for the unstable child, the informal setting seems to invite time-wasting activities—indeed, the "unmotivated," rather neurotic child, was found to work four times as much at his studies in a formal setting than in an informal one. Interestingly enough, the informal class seems to increase favourable attitudes towards school—but it also increases anxiety.[13]

Bennett's work was, of course, subjected to severe criticism by those who wanted to dismiss his findings on ideological grounds. Standing alone, it appeared vulnerable because his sample was not fully adequate to represent all British students, let alone all of their counterparts in this country and elsewhere. However, Bennett's work does not stand alone; his essential findings have been repeatedly confirmed by a host of other independent investigators working with children of widely varying ages and backgrounds in the United States, Canada, and Sweden, as well as in Great Britain. Again and again, they found that contemporary students in open classrooms made less intellectual progress on average than their more formally instructed peers, and emerged with no compensating gains in creativity or freedom from anxiety. Liking for school did seem to increase in a few instances, but so did anxiety and negative behavior. And not just among students: Teachers reported that open instruction was more anxiety-provoking for them, too.

Clearly, there is a close correspondence between these findings on open education and those on the relationship between hard work and achievement levels reviewed above, but two other possible interconnections also seem worthy of note. Bennett found that the two groups of students whose scholastic performance suffered most in open classrooms were abler students in general, and female students in particular—the same groups who had the greatest declines in SAT scores in this country in the last decade. Still, some open education does result in as much work and as much achievement as more formal methods, and it would be as irresponsible and destructive to pressure teachers who have achieved good results with informal methods to abandon them as it was to pressure teachers who had achieved good results with traditional methods to abandon them.

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[13] Jerome Bruner, Foreword to *Teaching Styles and Pupil Progress* by Neville Bennett (Cambridge, Mass.: Harvard University Press, 1976).

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Indeed, if there is any single lesson to be drawn from the educational experiences of the past two decades, it is that self-righteous indignation or ideological enthusiasm about teaching methods is a weak substitute for solid research. Ideological pressures in education are especially destructive when they coincide with and reinforce other, more general, social pressures in the same direction. During the 1960's and 1970's, children in general and students in particular were often cast in the role of victim by establishment stalwarts as well as by gurus of the counterculture, and the effect of such exaggerated advocacy seems to have been destructive for young Americans.

That, at any rate, may help explain the fact that the decline in effort and achievement among American youth in the last two decades coexisted with a steeper and more general decline in responsible and constructive attitudes and behavior, a decline that is manifest in the sharp increase in youth narcissism, grandiosity, crime, addiction, pregnancy, and venereal disease rates over the same period of time. Evidence of this more general decline is overwhelming and provides a needed reminder of the fact that schools are only one of many influences on young Americans. As a result, it is as inaccurate to lay the whole responsibility for the increasingly serious youth problems of today at the schoolhouse door as it is to absolve educators of all responsibility for them. It is equally misguided to judge the potential utility of progressive education in all historical circumstances by its effects in an era when many teachers used it believed they were bringing liberation to the oppressed.

What the public wants

Fears have been widespread in education circles in recent years that the American public will respond to the serious, often tragic youth problems outlined above by scapegoating teachers, but these fears receive little support from opinion poll data.[14] The Gallup organization has been taking annual stock of American attitudes toward education since 1969, and their findings indicate that such fears are

[14] George H. Gallup, *A Decade of Gallup Polls of Attitudes Toward Education, 1969-1978* (Bloomington, Indiana: Phi Delta Kappa, 1978). See also the eleventh and twelfth annual Gallup polls of the public's attitudes toward the public schools, published in *Phi Delta Kappan* 61, (1979): 33-46, and 62, (1980): 33-46. In the same 1980 issue, see also Stanley M. Elam and Pauline B. Gough, "Comparing Lay and Professional Opinion on Gallup Poll Questions" and Jerry Duea and Walter L. Bishop, "The PROBE Results: Important Differences in Public and Professional Perceptions of the Schools," pp. 47-52.

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unwarranted. They show that although large majorities of Americans are deeply distressed by what is happening to young people today, they admit that they share the blame with the education establishment. The sense of shared responsibility for youthful failings is manifest in responses to questions about the test score decline, raised by Gallup pollsters in 1975 and 1976. Asked whether they believed the score decline meant that the quality of education was deteriorating, most Americans replied with a resounding "yes." But in giving reasons for the decline, they assigned a major share of responsibility to parents, to students themselves, and to society as a whole. Teachers were not spared, but they were hardly singled out: Their contribution to the decline was ranked fourth in importance in 1975 and fifth in 1976, well behind such factors as inadequate parental supervision and discipline, overpermissiveness in society generally, and a lack of interest and motivation on the part of students themselves.

Overall, the correspondence between the public's view and the research evidence reviewed above is impressive. Data from both sources strongly suggest that we need to reexamine our ideas about what is beneficial to children and what is not, taking a fresh look at the role of structure, discipline, and demand levels in human development. Agreement that this is what is needed seems almost as widespread among teachers as it is in the nation as a whole. It is much less widespread among educators who work in nonclassroom settings and among media people who cover education. In these groups, enthusiasm for the educational approaches of the 1960's and 1970's remains high, but anxiety is growing. In the last decade or so, Americans have increasingly pressed for change within the public schools at the local level, and have voted against public schools that could not or would not change by moving their children into private schools, secular and religious, at a rapidly accelerating rate.

Public consensus on these issues is very high and is manifest in many ways. Representative national samples saw discipline as the single biggest problem facing the public schools in eleven of the twelve consecutive years of Gallup polling in this area. In the early and middle 1970's, problems centering on integration and busing ranked second in importance with the public, but in more recent years the major concern has been drug use. Concern about the adequacy of school facilities and resources, initially ranked among the top five problems, has not ranked among the top ten since 1975. It was replaced by concerns about poor standards and poor cur-

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ricula. Such concerns ranked third in importance in the 1980 poll, superseded only by concerns about lack of discipline and drug use.

The curricular changes American adults want are also clear, and their reasons equally so. In their own experience, the high school subjects most useful to them in later life were those that increased their skills in reading, writing, and mathematics. Throughout the 1970's, whenever the question came up, between 87 and 96 percent put facility in these basics at the top of their lists of essentials for American students. Large majorities felt that students who had not mastered these skills should be denied promotion or graduation, and favored the use of tests to determine mastery for novice teachers are well as for students. Here too, public convictions are in close accord with the research data, data that repeatedly underline the cardinal importance of basic skills, and of reading comprehension in particular. IEA researchers put it this way:

> Performance in reading comprehension is a better predictor of performance in science or in literature than is achievement in science or in literature a predictor of achievement in the other 2 subjects. This finding merely identifies [what Thorndike called] the expected "central role of reading as a determiner of achievement in the more specific subject matter skills." The policy implication is that priority should be given to this enabling skill.

Arguments against this developing consensus and against the grass roots movement which embodies it—the back to basics, minimum competence movement—have come mainly from sophisticated critics (university professors, researchers, and fund dispensers in foundations and government agencies) who argue that the popular movement misses the point. Elementary level basic skills have not declined, they say, advanced ones have. It is true, as noted earlier, that the somewhat sketchy available data suggest that literacy at the lowest level—which is often referred to as functional literacy—does not seem to be declining, but it is useful to take a hard look at NAEP's own data in absolute terms rather than in purely relative ones.

In absolute terms, NAEP data show that a full 12.6 percent of all American seventeen-year-olds still enrolled in school in 1975 were grossly illiterate, unable to comprehend and respond correctly to very simple written instructions of the sort that are ubiquitous in everyday life in America or in any developed society and essential to the maintenance of such societies. Nearly half—44.4 percent—fell into an in-between category which I have elsewhere referred to as

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semiliteracy.[15] Among black students, the situation was even worse: 41.6 percent of them scored in the illiterate category, 82.7 percent in the semiliterate one. Worse yet, these figures represent significant underestimates of the actual magnitude of illiteracy among contemporary American teens because students who dropped out of school at age sixteen, about 20 percent of the total age group, were excluded from the NAEP sample.

Given these findings, the public's emphasis on basic skills and on the discipline necessary to attain them does not seem misplaced. Findings from the SAT and other secondary school tests indicate that hard work on basic skills at higher levels is also very much in order, as many state legislators and teachers and a small but growing number of researchers and educators have concluded. The evidence reviewed above strongly suggests that it is time to put aside attempted externalizations of blame along with other, more subtle, attempts to pretend that current problems in this area are not serious ones, and to join together in a concerted effort to solve them.

APPENDIX

IEA tests were available for anywhere from two to four different student populations defined by age (ten, thirteen, and/or fourteen) or by grade (the grade in which most thirteen-year-olds were enrolled and/or the final year of secondary school), creating a total of 21 tests that were administered to samples of students ranging in age from ten to nineteen in anywhere from six to eighteen countries. Of course, the match between exam content and curriculum content was not exact for any of the countries, but, once again, Husén's conclusion here seems apt: "With some justification, one might, paradoxically, say that the tests devised for the IEA study are equally appropriate or inappropriate to all the countries participating in the study." That equality was not as hard to achieve as some had feared. Gilbert Peaker summarized IEA data on this point as follows: "What is taught is very much the same from country to country. There are no very striking differences from country to country in the curriculum despite the differences in language and history." All the tests were presented in an objective, multiple-choice format for obvious reasons, but the foreign language tests also included subjectively scored free response subsections. Analysis of the resultant data led the author of the volume on the study of French to this conclusion: "The correlations between scores on the 'objective-type' tests and scores on free-response, subjectively scored tests are often so high that it is difficult to believe that testing procedure ('objective' vs. 'subjective') makes any practical difference in the results."

The participation of nations in the study was, of course, voluntary. Each nation had an opportunity to help design the tests and to reject any that it deemed unfair to its students. None of the 21 participating nations did so on all 21 tests, but several, including the United States, came close. The U. S. participated in everything except the testing of English as a foreign language,

[15] Barbara Lerner, *Minimum Competence, Maximum Choice: Second Chance Legislation* (New York: Irvington Publishers, Inc., 1980). Lerner reports data found in *Functional Literacy: Basic Reading Performance*, National Assessment of Education, 1976.

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leaving nineteen tests on which it is possible to compare the performance of American students with that of a sample of their peers from around the world. Here too, coverage was hardly exhaustive but the IEA sample of developed nations—seventeen in all—is not a bad first approximation of the total population of the developed nations. Its most obvious shortcoming is that it includes only two communist nations, Hungary and Rumania. The sample for developing nations is also small—only four nations, Chile, Iran, India, and Thailand—but these four do, at least, circle the globe. IEA researchers managed to get large and reasonably representative samples of students from all 21 countries, testing more than a quarter million students in all. The U.S. sample included more than 30,000 students drawn from both public and private schools in urban and rural areas in all four geographic regions of the country. However, students from the southern region—an area where student achievement tends to be lower than in the rest of the country—were somewhat underrepresented. As a result, any sampling bias that may exist would tend to overstate rather than to understate the achievements of American students.

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Children's rights and adult confusions

GERALD GRANT

EXTENSIVE new rights have been conferred on American children. Children in some states, for example, are now empowered to divorce their parents. Thirteen-year-old girls may obtain birth control devices over the objections of their parents. A Ukrainian mother, whose twelve-year-old son was separated from her and her husband because he did not want to move back to the Ukraine with them, put the current state of affairs this way: "Who really tells the children what to do? Are the children the parents and the parents the children?"

A transformation in social and psychological attitudes is behind the change in children's legal rights, making two related issues important. First, how much equality between adults and children is desirable? That is, do we regard conflict between adults and children as inevitable—and hence believe that clear distinctions in authority between adults and children are necessary—or do we believe more equal relations will eliminate intergenerational tensions? Second, how freely may the state step between parent and child for the presumed benefit of the child?

Parenthood in early America

Debate on the first question began, in America, with the nation's founding. Among the strongest evidence to foreign observers that we, in fact, had had a revolution in America was their perception

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of a new egalitarianism between adults and children. American children struck them as more independent, individualistic, and socially precocious than their European counterparts. One such observer, Captain Frederick Marryat, a British naval officer who came to the United States in 1887, was appalled by a conversation he had overheard that he thought typical of what might be expected in a democracy:

> "Johnny, my dear, come here," says his Mamma.
> "I won't," cries Johnny.
> "You must, my love, you are all wet, and you'll catch cold."
> "I won't," replies Johnny.
> "Come, my sweet, and I've something for you."
> "I won't."
> "Oh, Mr._____, do pray, make Johnny come in."
> "Come in, Johnny," says the father.
> "I won't."
> "I tell you, come in directly, sir! Do you hear?"
> "I won't," replies the urchin, taking to his heels.
> "A sturdy republican, sir," says his father to me, smiling at the boy's resolute disobedience.[1]

Yet observers differed in their assessments of this equality. Another Englishman was charmed by a father and his fourteen-year-old son who seemed to enjoy mutual equality and affection as they talked and sang together on a train trip in America: "There was no attempt," he wrote, "at keeping up the dignity of a parent as might have been considered necessary and proper with us. There was no reserve. They were . . . already on an equal footing of persons of the same age."[2]

This certainly was the view of that most famous observer of all, Alexis de Tocqueville, a Frenchman who was nearly all sociologist and very little psychologist. In his travels in America in the 1830's he foretold the evaporation of traditional parental authority as the democratic spirit invaded the family and established "a species of equality" around the domestic hearth. This equality was a function of the general leveling in which the father was no longer the royal presence in the home but only another individual, subservient to general laws—a member of the community, older and richer than his son perhaps, but not otherwise privileged: "In a democratic family, the father exercises no other power than that which is granted to the affection and experience of age." Tocque-

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[1] Robert H. Bremner, ed., *Children and Youth in America: A Documentary History* (Cambridge: Harvard University Press, 1974), Volume I, p. 344.
[2] *Ibid.*

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ville was won over by the American family, which seemed to him more affectionate and intimate because rules and authority were less emphasized. Succession to manhood was easy and there was no need for "a domestic struggle in which the son has obtained, by a sort of moral violence, the liberty that his father refused him." Tocqueville prefigured by more than a century what is close to the truth in America: "In America there is, strictly speaking, no adolescence: At the close of boyhood, the man appears and begins to trace out his own path." Tocqueville either failed to see or gave no weight to the struggles for identity and self-definition, and the need for boundaries, that more psychologically-oriented analysts of American society, such as Erik Erikson, were later to emphasize. (Of course, Tocqueville came to America a bachelor and returned to France to write his famous treatise unburdened by fatherhood.)

The American tensions

In the nineteenth century, a religious upbringing was expected to provide guidance for these conflicts. Although the teachings of modern psychology and ancient religion are often opposed, there is an echo of religion's insistence on fixed standards in Erik Erikson, who, a century after Tocqueville, wrote: "The clinician can only observe that many are proud to be without religion whose children cannot afford their being without it." Erikson—perhaps the foremost American Freudian—sees the need for strong parents who set boundaries and stand fast as loving guides as adolescents struggle to take their places in an adult world. For Erikson, the prolonged inequality of the child and the adult is as necessary as the inequality between the analyst and the patient on the couch. The parent, like the analist, must expect conflict and at times even rage. Creative work on the part of both parent and analyst requires that they not collapse into either apathetic tolerance or autocratic guidance.

The debate about parent-child conflict was treated in a more heavy handed way by G. Stanley Hall, who was often credited with inventing the term "adolescence." He saw it as a period filled with turbulence: "Adolescence is a new birth . . . the functions of every sense undergo reconstruction, and the relations to other psychic functions change, and new sensations, some of them very intense, arise . . . there are now repulsions felt toward home and school, and truancy and runaways abound." Then and now, others have contended that Hall exaggerated the tension between children and adults. The recent data of Daniel Offer show that contemporary

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teenagers are less trusting, but suggest that psychoanalytic investigators have overestimated the turmoil that characterizes relationships between healthy adolescents and adults.[3]

Christopher Lasch agrees that there has been a retreat from conflict, but asserts that it has not been healthy. He pities the modern parents who have cooperated with the helping professions in the invasion of the family "in the hope of presenting themselves to their children strictly as older friends and companions. Recent child-rearing techniques, such as Parent Effectiveness Training, rationalized the retreat from painful confrontations by urging parents and children to talk about their feelings instead of arguing about the rules and principles that provoke confrontations." [4]

Another voice in this debate has its roots in the writings of Randolph Bourne, who saw corruption in age and vision in youth: "Youth, therefore, has no right to be humble. The ideals it forms will be the highest it will ever have, the insights the clearest, the ideas the most stimulating." [5] It is hard to say what Bourne, who died a few years after he graduated from Columbia University in 1912, would have said if he could have lived to see the 400,000 youths who gathered near Woodstock, New York, in 1969, and who walked naked, smoked marijuana, and made love openly, living out his injunction that "prudence is really a hateful thing in youth." That was the year that Margaret Mead wrote of the elderly as immigrants in the land of the young: "For now, nowhere in the whole world are there any elders who know what the children know, no matter how remote and simple the societies in which the children live. In the past, there were always some elders who knew more—in terms of experience, of having grown up within a system—than any children. Today, there are none. It is not only that parents are no longer a guide, but that there are no guides. . . ." [6] The pity is, many believed her.

These are the endemic American tensions which have sometimes been resolved (and not infrequently reversed) in the courts. Do we think conflict inevitable as adults socialize the young, and hence do we fortify the old against the onslaughts of unbridled youth? Or do we see the rising generation as a fresh hope, and encourage it

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[3] Daniel Offer, Erik Ostrow, and Kenneth I. Howard, *Adolescence: A Psychological Self-Portrait* (New York: Basic Books, 1981).
[4] Christopher Lasch, *Haven in a Heartless World: The Family Besieged* (New York: Basic Books, 1977), p. xiv.
[5] Bremner, *op. cit.*, Volume II, pp. 85-87.
[6] Margaret Mead, "The Generation Gap," *Science*, CLXIV (April 11, 1969): 135.

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to flow without obstruction? Do we seek greater equality with our children as a means to greater affection and easier relations? Or do we believe that by refusing to be adults and bear the pain of necessary confrontation we rob children of a childhood? Who is a child and who is an adult, and where do we draw the line? In America such questions usually wind up in the courts. In the last two decades, attempts to answer these questions have produced unprecedented new laws affecting the rights of children and restricting the powers of adults (although not necessarily reducing their responsibilities).

The early court cases

Even more than the church, the family and the school are the central socializing institutions in America. Teachers and parents must educate and prepare children for participation in the life of their society, which means they must inculcate in them the proper attitudes and ways of acting. The recent history of children's rights has been one of the progressive liberation of the child from the imposition of values by either school or family, although considerable socializing authority does remain with both institutions. In the schools, two lines of legal advance have been primarily responsible for redefining the status of children. The first set of decisions enlarges the free speech rights of children and limits the rights of those who could speak to them or force them to speak in support of particular patriotic or religious values. In 1943, the Supreme Court ruled that children cannot be required to salute the flag in school if their religion prohibits it. Twenty years later, the court struck down state laws and practices "requiring the selection and reading at the opening of the school day verses from the Holy Bible and the recitation of the Lord's Prayer by the students in unison."

In 1969 John F. Tinker, a fifteen-year-old Des Moines high school student, and his thirteen-year-old sister, Mary Beth Tinker, asked the Supreme Court to uphold their right to wear black arm bands to school in protest of the Vietnam War. The court did so in ringing language that argued that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." However, the court was careful to emphasize "the need for affirming the comprehensive authority of the states and school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools." For example, the court approvingly cited the lower court decision to allow students

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to wear freedom buttons in one school where they did so peacefully but prohibited them from wearing them in another where the students wearing the buttons harassed students who did not and created disturbances that interfered with the progress of education. In Tinker, the court found that "there is here no evidence whatever of petitioner's interference, actual or nascent, with the school's work or of collision with the rights of other students to be secure and to be let alone."

Although Tinker and the decisions leading up to it constituted a major redefinition of the rights of students by treating them as adult persons rather than as children, it was a decision that enjoyed wide support and one that most school officials felt they could live with, although it meant that they had to look anew at regulations governing dress, length of hair, and student freedom of expression in newspapers and other forms of petition and protest.

It was the Gault decision, together with Tinker, that put many school officials on the defensive and established a whole new set of procedural guarantees that changed the climate in many public schools. Although the case originated in the juvenile court system rather than the schools, it was soon applied with remarkable thoroughness in many urban public schools. Gerald Gault was a fifteen-year-old boy who was committed to the state industrial school in Arizona until he should reach the age of 21, as a result of a finding in the juvenile court that he had made lewd telephone calls. It was a bad decision by almost any standard, and the judge had taken liberties unusual even for a juvenile court in assembling the evidence on which he had based his decision. The Supreme Court overturned the decision and established the new standard that juvenile court proceedings "must measure up to the essentials of due process and fair treatment."

The Gault decision was later extended in 1970, in the Winship case, to insist that juvenile courts also meet the standard of proving guilt "beyond a reasonable doubt." In these two decisions, the Supreme Court basically undid the work of compassionate advocates of a different kind of children's rights at the turn of the century. The juvenile court system was established in its modern form in Chicago, in 1899, after a campaign by women's clubs and child advocates who took up the cause of ten-year-olds who were brought into court in Chicago and sentenced along with hardened criminals to adult prisons. The idea behind the juvenile court was that a kindly judge could take account of the wide variety of evidence in sentencing juveniles who might be guilty only of youthful indiscretions and

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could be straightened out with a stern admonition, referral to a foster home, to a church-sponsored agency, or to a state-run reform school. In speaking for the majority in the Gault decision, Justice Fortas turned aside this view of a court "in which a fatherly judge touched heart and conscience of the erring youth by talking over his problems, by paternal advice and admonition, and in which, in extreme situations, benevolent and wise institutions of the state provided guidance and help. . . ." Fortas turned to sociological evidence to argue that "recent studies have . . . entered sharp dissent as to the validity of this gentle conception. They suggest that the appearance as well as the actuality of fairness, impartiality and orderliness—in short, the essentials of due process—may be a more impressive and more therapeutic attitude insofar as a juvenile is concerned." Fortas worried that the "procedural laxness" of the juvenile court, when followed by stern disciplining "may have an adverse effect upon the child who feels that he has been deceived or enticed." In sum, the Supreme Court was no longer willing to trust the discretion and judgment of the juvenile court judges.

Little time was lost in applying the same sort of reasoning to attack the "paternalism" of the school principal. It was not long before all of the tests of due process enumerated in Gault were applied to schools, namely: notice of the charges, right to counsel, right to confrontation and cross-examination, privilege against self-incrimination, right to a transcript of the proceedings, and right to appellate review.

Formalizing the new student rights

In the year following Gault, the American Civil Liberties Union published a widely influential document, *Academic Freedom in the Secondary Schools*.[7] The ACLU statement laid down three principles, the first of which pushed academic freedom to a new limit by arguing that freedom implies the right to make mistakes and that therefore students must sometimes "be permitted to act in ways which are predictably unwise so long as the consequences of their acts are not dangerous to life and property, and do not seriously disrupt the academic process." The second principle blurred the line between speech and action arguing for "a recognition that deviation from the opinions and standards deemed desirable by the faculty is not ipso facto a danger to the educational process."

[7] American Civil Liberties Union, *Academic Freedom in the Secondary Schools* (New York: American Civil Liberties Union, 1968).

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These statements put many teachers on the defensive. Insofar as these principles were restricted to free speech issues, most school officials and most parents would probably agree with them—although they might not be happy with its relatively strong dismissal of "standards" of the adults in the schools. It was the third principle contained in the ACLU statement that bluntly warned school officials that they had better pay close attention to the Gault decision: "Students and their schools should have the right to live under the principle of 'rule by law' as opposed to 'rule by personality.' To protect this right, rules and regulations should be in writing. Students have the right to know the extent and limits of the faculty's authority and, therefore, the powers that are reserved for the students and the responsibilities that they should accept." In other words, students and schools should no more accept the paternalism of "rule by personality" than should alleged delinquents accept the "paternalism" of juvenile court judges. In every area of discipline, the ACLU statement takes a lawyerly view of the need to reduce adult latitude and discretion in favor of specific definitions and rules.

The recommendations of the ACLU statement of 1968 have become standard operating procedure in many urban schools, often with something close to a verbatim account of the following recommended rights of due process:

> The teacher and/or administrator should bear in mind that an accusation is not the equivalent of guilt, and he should therefore be satisfied of the guilt of the accused student prior to subjecting such student to disciplinary action. . . . Those infractions which may lead to more serious penalties, such as suspension or expulsion from school, or a notation on the record, require the utilization of a comprehensive and formal procedure . . . (which) should include a formal hearing and the right of appeal. Regulations and proceedings governing the operation of the hearing panel and the appeal procedure should be predetermined in consultation with the students, published and disseminated or otherwise made available to the student body . . . prior to the hearing, the student (and his parent or guardian) should be: (a) Advised in writing of the charges against him, including a summary of the evidence upon which the charges are based. (b) Advised that he is entitled to be represented and/or advised at all times during the course of the proceedings by a person of his choosing who may or may not be connected with the faculty or administration of the school and may include a member of the student body. (c) Advised of the procedure to be followed at the hearing. (d) Given a reasonable time to prepare his defense.
>
> At the hearing the student (his parent, guardian or other representative) and the administrator should have the right to examine and cross-

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examine witnesses and to present documentary and other evidence in support of their respective contentions. The student should be advised of his privilege to remain silent, and should not be disciplined for acclaiming this privilege. The administration should make available to the student such authority as it may possess to require the presence of witnesses at the hearing. A full record should be taken at the hearing and it should be made available in identical form to the hearing panel, the administration and the student. The cost thereof should be met by the school.

Thus, students who now enter Boston public schools receive a twenty-five page document, called "The Book," which contains thousands of words on student rights but only eleven lines of type referring to their responsibilities. From this pamphlet, a student learns that there are five different types of suspensions and that the least serious is the short-term suspension for three days or less. Before even the latter can be meted out, a student has the right to request an informal hearing with the principal and his parents, and, if he is dissatisfied, to appeal to the community superintendent. He has the right to summon student witnesses to each of these hearings and to have an advocate or lawyer appointed to represent him. Before a student can be expelled, he may exhaust all these steps and additionally have a formal hearing with the deputy superintendent and will have an automatic review and appeal by the superintendent of schools of the City of Boston. He can be expelled only if he has inflicted serious injury on a student or a staff member or has "repeatedly and flagrantly committed a suspendable offense and your continued presence in the school would threaten the physical safety of others or the regular running of the school and all appropriate disciplinary methods short of expulsion had been tried, but you have not corrected your behavior." Similarly, a teacher cannot request that a student be transferred from one class to another in a Boston high school unless officials can prove repeated instances of "flagrant misconduct." [8]

Yet the new rules seem neither to have improved the disciplinary climate nor to have convinced students as a whole that the schools are more just. In their recent survey of public and private schools, James Coleman and his associates found that discipline was better and that poor black students achieved more in Catholic schools than in public schools. More to the point of the present discussion, students who supposedly had the benefit of new rules and proce-

[8] Boston High School Student Coordinators and the School Committee of the City of Boston, Attorney John J. McDonough, President, "The Book: Student's Guide to the Boston Code of Discipline," 1980.

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dures in public schools were much less likely than those in Catholic schools to say that discipline was fair or to believe that their teachers took an interest in them.[9]

Teachers as adversaries

The Gault decision was justified as a procedural guarantee in a courtroom. Burdensome rules and elaborate codes of evidence are a small price to pay when life and liberty are at stake. But it seems grossly misapplied in schools where the costs in time and loss of discretionary authority are great, and where disciplinary penalties are not of the same order. Even an expelled student may pursue other avenues (entering a different school, readmission after a time, transfer to a parochial school) in a society that provides many second chances.

In our observations, urban desegregated schools tended to be the most rule-bound and legalistic.[10] Students are quick to tell teachers and staff, "You can't suspend me." In many urban schools today, hall guards or quasi- or actual police officials are expected to maintain order in the halls and to some extent even in classrooms. The presence of raw power indicates that authority has been lost. All behavior is regarded as tolerable unless it is specifically declared illegal. Jurisdiction is so narrowly defined that a student who comes to a school principal after lunch complaining of being beaten-up is asked which side of the street he was standing on when the beating occurred. If he was across the street, it would be out of the school's jurisdiction and hence of no concern to the principal. Often when students need help, teachers are afraid to intervene for fear of legal reprisals. One teacher, explaining why she hadn't interfered with a girl who clawed another in her classroom, said, "You'll only be after trouble if you physically handle them." Another teacher was still shaking as she told us about a group of students who had verbally assaulted her and made sexually degrading comments about her in the hall. When we asked why she didn't

[9] Twenty-five percent of Catholic high school sophomores rated teacher's interest as excellent compared with 9 percent in public schools. On fairness of discipline, 52 percent of those in Catholic schools but only 39 percent of the public school sophomores rated it excellent. James Coleman, Thomas Hoffer, and Sally Kilgore, *Public and Private Schools* (Chicago: National Opinion Research Center, 1981), pp. 119-21.

[10] My colleagues—Urmila Acharya, Sharon Franz, Richard Hawkins, Wendy Kohli, and Madhu Prakash—and I visited 33 public and private schools in the northeastern United States and selected five in which we spent a day of observation each week for the school year 1979-80.

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report the students, she responded, "Well, it wouldn't have done any good." "Why not?" we pressed. "I didn't have any witnesses," she replied. Adult authority is increasingly defined by what will stand up in court, so to speak. There are fewer and fewer adults who have the confidence to act on Justice Frankfurter's dictum that "much that is legally permitted is repugnant to the civilized mind."

The tendency to see school officials as the other side of an adversary proceeding has been enhanced by a variety of advocacy groups that encourage students and parents to use their new rights. A billfold-sized card for the National Committee for Citizens in Education lists parents' rights on a state by state basis. In Boston, the Educational Coalition published a guide to "Games the System Plays." An article in *The New York Times,* "A Guide for Parents who Take on the School System," gathered advice from a variety of the new experts who speak of parents as "consumers" of educational commodities. Parents are advised to speak up for their rights and to take a witness along to school meetings as though they are collecting evidence for a lawsuit. A community organizer, Ginny Johnson, advises parents: "Get the facts on the teacher. Take a friend with you to observe the teacher three or four times." Gloria Cabrera, a lawyer in the southwestern office of the United States Commission for Civil Rights, advises parents: "Plan your strategies carefully. If a child suddenly dislikes school, the parent should fish around until they find out what's wrong." However, Mrs. Cabrera has had to modify her tactics because, "We got so many calls asking us for legal aid that we decided to tell parents what they can do short of filing a lawsuit."

What is child abuse?

Although parents were suing the schools in greater numbers, a parallel development was encouraging children to sue or bring charges against their parents under new child abuse laws. Spurred by the development of new x-ray techniques that revealed damage to children's tissues and organs even after surface bruises had healed, the plight of the "battered child" touched the conscience of many and led in the 1960's to the adoption and toughening of child abuse statutes. By 1968 all fifty states had enacted such laws. While no one questions the right of the state to intervene to protect children against genuine physical abuse, the right of the state to intervene between parent and child in cases of alleged "psychological" or "emotional" abuse began to draw serious criticism as child

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protective service bureaucracies multiplied. Albert Solnit of Yale University's Child Study Center wrote that, given vague criteria for what constitutes emotional abuse, and confusion about its effects on the child and its treatment, such a category should be eliminated as justifying coercive state intervention.

In the medium-sized city where we carried out our studies, teachers are warned by the child protective service that "a maltreated child is a child less than eighteen years of age whose physical, mental or emotional condition has been impaired or [is] in danger of becoming impaired, as a result of the failure of his parent or person legally responsible for his/her care to exercise a minimum degree of care." These are reasonable guidelines if they are restricted to instances of clear physical abuse or to the failure to exercise minimum care, such as, for example, parents who fail to give seriously ill children prescribed medicines. But under the vague category of emotional abuse, the guidelines would bring nearly every parent under the net of the child protective worker's surveillance. The emotionally abused child is defined as one who is "allowed to stay home from school whenever he wants" and abusing parents include those "adults who really care about children but lose control of themselves when they are angry," or "who expect behavior that is too advanced for their child's age" or "who have few friends or relatives to call upon when trouble occurs" or "who may be suffering from a crisis such as loss of a job." Teachers are warned: "If you don't report a *suspected* case, you are guilty of a Class A misdemeanor and could be civilly liable for any injuries to the child subsequent to your failure to report." In that city, allegations of child abuse increased five-fold in the late 1970's. In the state as a whole, 51,842 complaints were registered in 1979, or about one every ten minutes.

The law provides that those who accuse others of child abuse are granted anonymity and that all complaints must be investigated within 24 hours. The child protective worker serves papers on the accused, notifying them that a complaint has been filed in the state's central registry and that a 90-day investigation has been authorized. We have found that parents charged by their teenage children or their friends—sometimes after parents have begun to crack down on drug or alcohol use by their children—are traumatized by the serving of the papers. One parent we talked with, who was later acquitted of any abuse other than washing the child's mouth out with soap, said she had gone into a mild state of shock. Teachers have found that ordinary disciplinary action can put their

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job in jeopardy if the machinery of child abuse is invoked against them. Eugene Brooks, a principal in the Webutuck School District who had to restrain a rowdy and abusive student, found the next day that he had been charged with child abuse. It took him several months to close the case and have it expunged from state records. Another teacher charged by a student he had restrained who was disrupting a test in school said, "Next morning the police came to my home and arrested me. They led me out of my home in handcuffs." [11]

The home as courtroom

Often when a parent who has been served with papers explains why he or she had to discipline the child, the child protective worker suggests that the parent may wish to get what has become known in New York State as a PINS petition, or a petition for a Person in Need of Supervision, which can be used if a parent wishes to have a child placed outside the home. The home becomes a courtroom with the parent answering the child's petition with one of his or her own. In a careful review of research on child abuse, Dante Cicchetti of Harvard University and J. Lawrence Aber of Yale warn that "coercive intervention by a state social worker" may be a typical response: "Often a family's refusal to accept help in improving child-rearing skills is itself viewed by social service professionals as evidence of sorts that the child is 'at-risk' for abuse or neglect. Here the professionals seem to confuse the risk of injury to a child whose family has never been abusive with the risk of reinjury to a child already abused . . . [which] encourages violations of the constitutionally protected rights of parents to rear their child free from unnecessary state intervention." They also warn against "the dangerous tendency for temporary foster care to become permanent, much to the detriment of the child. . . ."

Although precise figures are hard to come by, there is some evidence that teenagers are increasingly using these laws to threaten parents when parents begin to tighten disciplinary measures. "When you live at home, you're constantly being threatened by your parents," said one student. "So at sixteen, you turn around and threaten them." It requires no hard evidence to initiate a complaint, only a telephone call to the child protective service, whose number is now listed on the inside page of the telephone directory in some states

[11] Eric Van Dyke, "Child Abuse," *The New York Teacher*, 21, no. 37. (May 18, 1980).

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along with numbers for fire and police. Parents or teachers need never be faced with their accusers nor even know what the true nature of the complaint was. Yet they must suffer the trauma of an investigation and the potential inquiry of a child protective service worker asking neighbors whether they have seen any signs of "alleged child abuse." One child protective worker broke ranks to complain of the harm that comes from requirements to initiate an investigation "no matter how ridiculous it might seem." She said "many reports turn out to be false or exaggerated." Complaints may be made "because the caller has a grudge against the family." Custody battles or differing standards of child rearing may be at issue: "Just because a neighbor's lifestyle doesn't jibe with mine is not reason to blow them in on child neglect." Some of the complaints stem from people who "like to play cruel tricks on others, or are too stupid to understand the harm they are doing."

The abuse law can be an offensive weapon in the hands of teenagers in a climate in which it is also possible for them to obtain birth control devices over the objection of their parents and, in New York State, to force their parents to support them if they do not wish to live at home. One father wrote to New York's Governor Carey that the only reason his daughter would not stay at home was that "We won't allow her to run with her friends." He charged that the current laws were irresponsible and said they were "passed by people who can afford to give their children whatever they wished and if it turns out to cause problems they can afford to remedy that. Not so with the people the law affects most. As far as I am concerned, the law says kids can do what they please and parents must face the consequences."

Counseling and confidentiality

This peculiar constellation of tensions within the school and between the parents and the school is vividly illustrated by developments in California. There a new law states that any information disclosed by a student twelve years of age or older in conversation with a school counselor may not be revealed except to licensed physicians, psychiatrists, or psychologists, or to report child abuse or a serious crime. Both parents and principals remain unapprised unless a student specifically signs a waiver permitting them to be informed. The counselors, concerned about child abuse and eager to establish themselves as the professional peers of psychologists and psychiatrists, argued that in order to do their job properly they

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needed to assure confidentiality. Both parents and some principals began to organize against the new law and the conflict broke out in the letters column of *The Los Angeles Times*. One principal argued that the law assumed that administrators were intent on violating the rights of students, and asserted that "the law severely restricts the flow of information between the school and the parents of youngsters needing help." The response by counselors was swift. They argued that they were not "a tool of the school administration." The president of the San Diego Teachers Union tried to explain the counselor's new role: "The counselor's job is not that of an extension of the administrator's duty to control the action of students. Instead, a counselor provides a caring and understanding ear when students have problems," and he added: "When students know or fear that the details of the problem will bring a brutal reaction from parents instead of a loving response, they must turn to someone who will replace the parents and respect confidences and give advice rather than punishment."

The counselor in this instance may be like the mother who protects a child who approaches her with an offer of confession only if "you won't tell Dad." Often, the child's offer may be perfectly harmless, but it may also represent (say, in the case of a teenager getting deeper into a drug habit) a child who wants a one-parent advocate for his or her own version of reality. The child's object may be to get the sympathetic parent to protect him against the parent presumed to be the hard liner, to change that parent's behavior if possible, or at least to protect himself from punishment. If the sympathetic parent enters into the deal, the child then has the further weapon that "you told" if the other parent punishes. Wise parents will not enter lightly into such agreements, if at all, knowing that it is their joint responsibility to set certain expectations and standards for the child, even if that means confrontation and punishment. Something like this is being played out in the case of the school counselor setting himself up as a sympathetic ear while portraying the principal as tough-guy cop. The principal wants help in establishing the norms and expectations for the community as a whole. The counselor has carved out a professional niche relieving him of responsibility for the old-style teamwork of "policing" the halls, and has gained a considerable degree in independence and autonomy.

Of course there is a genuine conflict of rights. Individuals do have a right to privacy and to the protection of certain kinds of confidential relationships. But principals have a right to expect

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cooperation, and parents have a right to be informed about their children. The question is whether a twelve-year-old should be treated as an autonomous adult with respect to decisions about counseling, and whether therapy of this quasi-professional sort is the proper role of the schools. Certainly, any good school manages to provide sympathetic ears for the young—in the principal's office, as well as among teachers—but this can be done without turning the school into a therapist's office.

Reviving adult responsibility

This is not to argue either that adults are always wise and compassionate or that children have no rights. Clearly they have rights as persons, among them protection from adults, including their parents, who may do them harm. But it does not mean that children and adults are equal. Children's claims to equal rights are moderated by their material dependence and by their limited capacities and paucity of experience.

However, while I fear that the growth of new procedural rights for children may do more harm than good in schools, I do believe that fairness often requires that children have a hearing. Good principals make an effort to gather evidence and to assess it before acting. At times a child does need an advocate—either a parent or someone who can act as a parent would. But we do not need to turn schools into courtrooms in order to insure fairness. Principals and other school authorities should be held accountable for treating children fairly without being required to rule by quasi-judicial procedures. If a bad or unjust principal is in charge of a school, the imposition of elaborate procedures will not produce justice. If universally promulgated, however, such proceedings may drive out good teachers and principals, and in the long run engender an adversarial climate detrimental to the education of all children.

In the home, it is clear that parents as well as children suffer from alternating moods. In a hedonistic age, parents who seek more pleasure and freedom may encourage precocity in order to relieve themselves of bothersome responsibilities. Less selfishly, some parents are merely confused and doubtful. When children or their advocates call in the protective service without sufficient cause, many parents are too intimidated to shut the door. They accept the authority of the children's police or turn to the new therapeutic experts out of a lack of confidence.

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Parenthood, like teaching, has never been easy. The modern fallacy is to believe that it should be painless and that when conflict arises it should be settled either on the therapist's couch or in the courtroom. The way out of our present confusion is to make a more careful distinction between the rights of all persons, including adolescents, and those rights granted to adults as a function of their capacity to exercise concordant responsibilities.

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Desegregating or debilitating higher education?

Q. WHITFIELD AYRES

For more than a decade the federal government's Office for Civil Rights (OCR—formerly in the Department of Health, Education, and Welfare, now in the Department of Education) has required racial desegregation in public higher education beyond that produced by color-blind admissions. With periodic prodding from a federal judge, the agency has demanded that states eliminate "racially identifiable" public colleges and universities, principally by inducing "other race" enrollment in traditionally black and traditionally white institutions and by improving traditionally black campuses so that they attract more white students. Behind these goals lies a new conception of the "proper" structure and function of public higher education.

The problem, as defined by federal authorities, is the existence of "racially identifiable" or "dual" systems of higher education in nineteen states. These states, located mainly in the southeast but extending as far north as Ohio and Pennsylvania and as far west as Missouri and Arkansas, had at one time established legally segregated public colleges and universities. Beginning in 1938 in Missouri, federal courts gradually struck down racial restrictions on college admissions, yet racial identifiability persisted in higher education just as it did in elementary and secondary schools.

Despite substantial increases in black participation in the 1970's, whites continued their dominance of student bodies, faculties,

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administrations, and governing boards of traditionally white institutions. In none of the nineteen states is the black percentage in traditionally white campus student bodies as high as the black percentage in the state's population. Racial identifiability persists especially in traditionally black institutions, with black dominance the rule rather than the exception. Of the 37 traditionally black public senior colleges in the United States, only three have evolved into campuses that are predominantly white in student enrollment, and all but five had student bodies that were over three-fourths black in 1978. Black campuses continue to educate a large proportion of black students—in 1976 over two-thirds of all blacks receiving bachelor's degrees and over one-half of all blacks awarded graduate degrees earned them from public and private traditionally black colleges and universities.

In its enforcement of Title VI of the Civil Rights Act of 1964, which forbids racial discrimination in federally assisted programs, OCR has followed the logic of the Supreme Court's decisions on desegregation of elementary and secondary schools. If racially identifiable schools are inherently unequal in elementary and secondary education—regardless of the cause of that identifiability—then the same principle presumably applies to higher education. Consequently, the persistence of racially identifiable colleges and universities is taken as evidence of discrimination forbidden by Title VI, even if no overt discrimination against individuals is shown.

Two goals of desegregation

Spurred by an NAACP Legal Defense and Education Fund lawsuit that led to a federal court order, OCR has promoted desegregation by emphasizing two major goals. The first is the elimination of racial identifiability in public higher education to the point where a student will select an institution on a basis other than race:

> Responsible federal agencies have emphasized repeatedly that the persistence of racially identifiable institutions supports the conclusion that [a state] is not in compliance with the requirements of the law.[1]

No aspect of the college environment—student body, faculty, administration, or governing board—should be racially identifiable. States must accomplish this goal within the bounds of several OCR-imposed constraints. In its efforts to eliminate racial identifiability, no state may "close or downgrade" any traditionally black institu-

[1] Letter from former OCR Director Leon Panetta to ten states, 1970.

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tion, nor may any state place "a disproportionate burden upon black students, faculty, or institutions." Moreover, states must eliminate racial identifiability while at the same time increasing the overall enrollment of blacks within the state's public higher education system.

The second major OCR goal is the improvement of traditionally black colleges and universities. States must guarantee:

> . . . that traditionally black institutions will have the resources . . . which are at least comparable to those at traditionally white institutions having similar missions. [Those resources] extend to physical plant and equipment; quality and range of program offerings; number and quality of faculty; student, faculty, and professional staff services; student financial assistance, and other financial support.[2]

According to OCR this goal is justified as a means of overcoming the effects of past discrimination, but the agency also views it as necessary to attract white students to those institutions and thereby promote desegregation. Presumably the development of a "separate but equal" system of higher education will be avoided by requiring states to define a new mission for each institution on a basis other than race. Thus one campus might offer urban studies, another would focus on international affairs, and another would concentrate on teacher education.

Higher education has proven more resistant to desegregation than elementary and secondary education, partly because of structural differences between the two educational levels. In elementary and secondary education the technical means for desegregation have long been readily available. Attendance at an elementary or secondary school is compulsory, free, and traditionally based on geographical assignment. Moreover, state-mandated curricula vary little from one school to another within a state. Consequently, desegregation requires transferring the appropriate number of students to create a racial balance; the major challenge then becomes preventing white flight to other school districts or private schools. The major problems in desegregating elementary and secondary education are social and political rather than technical.

Desegregating higher education, on the other hand, presents a substantial technical problem. Attendance has traditionally been neither free nor compulsory nor based on geographical assignment, so students are able to choose any public or private institution to which they can be admitted—and for which they can pay—or they

[2] This and all further statements of OCR policy come from the *Federal Register*, Vol. 43, No. 32, February 15, 1978, pp. 6658-6664.

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can choose no institution at all. In addition, colleges and universities differ far more than elementary and secondary schools in programs and educational strength. To desegregate higher education, students must be induced to pay tuition and enroll as part of the local minority race in institutions of widely varying curricula and quality. That becomes a major technical, as well as political and social, challenge.

Because of the difficulty in desegregating higher education, OCR has created a new conception of the "proper" structure and function of public higher education that the agency believes will lead to further desegregation. The roots of that conception in the federal bureaucracy can be traced to the early years of the Nixon presidency. Its latest manifestation, the result of one of the periodic orders in the Legal Defense Fund lawsuit, is the "Revised Criteria Specifying the Ingredients of Acceptable Plans to Desegregate State Systems of Public Higher Education," issued by OCR in 1977 and published in the *Federal Register* in 1978.

In enforcing the requirements growing out of the OCR conception, the Reagan administration has shown less inclination than did its predecessors to take an adversarial stance toward higher education. The administration has through executive order provided increasing federal support for black colleges, and the Reagan budget requests for fiscal 1982 and 1983 proposed raising direct grants to black colleges and other "developing" institutions, in contrast to the treatment of other social programs. In addition, the current administration has been more flexible in applying those requirements to individual states, as demonstrated by the settlement of the long standing dispute with the University of North Carolina and acceptance of new desegregation plans that were not always responsive to the OCR criteria.

Those criteria, however, have not been amended, and they remain the basis for developing state desegregation plans. As long as the criteria exist in their current form, they can be enforced by court order, and the courts have shown no reluctance to intervene in the enforcement process during the past decade. The new conception of public higher education embodied in the OCR criteria has several elements that deserve closer examination.

The fate of academic standards

The conception of public higher education that has driven OCR policy has at least four elements. The first is *reduction or elimina-*

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tion of admissions, retention, and graduation standards. OCR criteria require that states produce not only equal educational *opportunities* but also equal educational *results* to be in compliance with Title VI:

> . . . for two year and four year undergraduate public higher education institutions in the state system, taken as a whole, the proportion of black high school graduates throughout the state who enter such institutions shall be at least equal to the proportion of white high school graduates throughout the state who enter such institutions.
>
> . . . the proportion of black state residents who graduate from undergraduate institutions in the state system and enter graduate study or professional schools in the state system shall be at least equal to the proportion of white state residents who graduate from undergraduate institutions in the state system and enter such schools. (*Federal Register,* p. 6662)

For example, if 40 percent of a state's white high school graduates attend state-supported junior or senior colleges, then 40 percent of the black high school graduates must do so as well. The requirement extends to each educational level, so that if 30 percent of whites who graduate from state-supported colleges enter graduate or professional school in those institutions, then 30 percent of their black graduates must also continue. To ensure that these "goals" will be reached, states should:

> Take all reasonable steps to reduce any disparity between the proportion of black and white students completing and graduating from the two year, four year and graduate public institutions of higher education. . . . (*Federal Register,* p. 6662)

The concept behind the OCR desegregation criteria is clear: Equal results take priority over established standards when the two conflict. If an undergraduate college requires a minimum Scholastic Aptitude Test (SAT) score for admission, and if that standard eliminates a higher proportion of black than white applicants, then "all reasonable steps to reduce any disparity" would include eliminating the requirement. So it is clear why a government witness in the North Carolina administrative hearing advocated admission of all minority applicants to senior colleges and universities regardless of their qualifications. At the very least, the OCR conception of higher education would prohibit raising old standards or instituting new standards that would have a disproportionate racial effect.

This requirement will have a dramatic effect on states subject to OCR criteria because of the striking differences in the educational preparation of students who attend black and white institutions.

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Since black colleges see an important part of their missions as accepting black students with weak educational backgrounds, almost any academic standard based on traditional measures of grades, rank-in-class, or standardized test scores will have a disproportionate racial impact on students enrolled in public higher education. For example, on the SAT, where combined verbal and mathematics scores can range from 400 to 1600, the *average* combined score for all freshmen entering North Carolina's five public black campuses in the fall of 1979 ranged from 596 to 687, compared with a range of 802 to 1062 for all freshmen entering the eleven other public campuses. Those two sets of institutions are differentiated almost as sharply by the level of preparation of their students as by the racial composition of their student bodies.

Meeting the OCR requirement of eliminating racial identifiability while simultaneously increasing the overall enrollment of blacks in higher education requires dispersing black students, who now disproportionately enroll at black campuses, more evenly among all of a state's public colleges and universities. Since admissions officers at many white campuses consider an SAT score of approximately 750 to be the minimum acceptable for regular admission, the more selective white institutions would have to lower or eliminate traditional admissions standards to fulfill the OCR requirement. Moreover, since OCR requires that state institutions produce equal educational results as well as equal opportunity, retention and graduation standards would probably have to be relaxed, at least in the absence of extraordinarily successful remedial programs.

If standards were lowered to the level necessary to produce the results required by OCR criteria, then other consequences would likely follow. Since students who score below 650 on the combined SAT frequently require substantial remedial work, institutional resources at more selective institutions would have to be diverted to remedial programs. Given the strong correlation between pre- and post-college standardized test scores, failure rates on post-college tests and licensing examinations would increase. The recruitment of high quality faculty could prove more burdensome since one would expect to find few established scholars who desire to teach students who are severely deficient in basic skills. Finally, the general reputation of more selective institutions would probably be tarnished, since a substantial component of a college's reputation rests on the selectivity of its admissions and the educational background of its students.

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Leveling, narrowing, and controlling education

The second element of the OCR conception of public higher education is *institutional leveling in programs and resources.* For many years, some states concentrated their public higher education resources, and especially their most attractive advanced academic programs, on one or two campuses in order to develop nationally recognized centers of educational excellence such as those in Berkeley, Ann Arbor, Madison, and Chapel Hill. In recent years, smaller state institutions often tried to enhance their reputations by building a broad range of attractive graduate and professional programs, thereby imitating the "flagship" campuses. Educators associated with flagship institutions resisted this trend, fearing that spreading programs and appropriations among many public campuses within a single state would destroy the excellence of the major research universities.

OCR requirements accelerate this leveling. According to OCR, major public research universities, which invariably are traditionally white, offer a wider array of programs and degrees than black campuses because of a discriminatory attitude toward traditionally black institutions. Consequently, OCR mandated that states must:

> . . . give priority consideration to placing any new undergraduate, graduate, or professional degree programs, courses of study, etc., which may be proposed, at traditionally black institutions, consistent with their missions. (*Federal Register*, p. 6661)

An excellent example of OCR's policy toward new program placement occurred during the Ford administration when the University of North Carolina Board of Governors voted to place a new veterinary medical school at traditionally white North Carolina State University in Raleigh, rather than at traditionally black North Carolina Agricultural and Technical State University in Greensboro. Both schools grew out of the land grant program established by the Morrill Acts, but the Board of Governors considers North Carolina State to be one of two major research universities in the state, while North Carolina A&T is classified, along with one other black and four white campuses, as a comprehensive university offering baccalaureate and a few master's degrees. In anticipation of the veterinary school, an undergraduate department of veterinary science had been started at North Carolina State in 1972. The Board of Governors, citing the superior academic foundation, faculty qualifications, research library, and administrative capacity at North Carolina State, voted to locate the veterinary school at that campus.

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The decision incensed OCR officials, who argued that unless the UNC Board changed its conception of the proper role of the various institutions, the major doctoral campuses would continue to acquire all sophisticated graduate and professional programs. OCR demanded that the board either locate the veterinary school at North Carolina A&T or place a program "of similar stature and attractiveness" there; otherwise, the state would be in violation of Title VI of the Civil Rights Act. The Board of Governors responded that it was dedicated to enhancing the black campuses, but since, for example, over two-thirds of North Carolina A&T graduates failed licensing exams for nursing and teaching, a responsible use of scarce educational resources demanded the upgrading of weak undergraduate curricula before the assignment of an expensive and sophisticated professional program.

The Board of Governors refused to meet the OCR demand and the agency later backed down, but the confrontation well illustrates OCR policy. In the tradeoff between institutional equality among various state campuses and educational excellence at a major research university, the OCR criteria clearly favor institutional equality.

A third element of OCR policy is a *narrow undergraduate curriculum*, which follows from the agency's effort to eliminate "educationally unnecessary program duplication" among proximate black and white public institutions. The agency has identified a core curriculum of courses in English, mathematics, and the social and natural sciences that it believes may legitimately belong on all campuses. Beyond that core, OCR criteria require institutions in the same "service area" to close or transfer programs and their associated faculty so that only one campus offers each program. Furthermore, this process "shall be carried out consistent with the objective of strengthening the traditionally black colleges," which means that most program movement would be from white to black campuses. OCR hopes that students will follow the programs in which they have enrolled or wish to enroll to the campus where they will be in the minority race rather than transfer to another institution or change majors.

Most states attempt to limit the development of excessive program duplication among proximate state campuses for economic efficiency. But OCR criteria, by prescribing a far more restrictive range of acceptable offerings than has been traditional in higher education, has created a substantially different idea of the "proper" college curriculum. Agency requirements conceive professionally-

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oriented programs, such as business administration or journalism, and their faculties to be independent, self-contained entities that can be transferred about at will in a process of social experimentation. Yet university curricula traditionally have been far more interdependent and interrelated than OCR recognizes. In a college with a broad curriculum, an economics major would be expected to have an opportunity to augment his or her study with courses in marketing or accounting from the business school, or a political science major could be expected to study the news media's role in politics by taking a course in the journalism department. Such breadth would be difficult if the OCR policy prevails.

Because this requirement is so controversial, only one pair of institutions has thus far completely followed OCR dictates. In the fall of 1979 the entire business administration program at traditionally white Armstrong State College in Savannah, Georgia, was closed and moved to traditionally black Savannah State College seven miles away, while the teacher education program was moved from Savannah State to Armstrong State. Armstrong State is now forbidden to offer *any* business-related course, and Savannah State can not offer *any* course in education. Transferred faculty members who agreed to move were employed and their tenure status was recognized by the receiving institution; otherwise they lost their jobs. By the fall of 1980, Savannah State had lost 213 black students and gained 136 whites; at Armstrong State the number of whites dropped by 553 while the number of blacks increased by 35. The net result: 178 fewer black and 417 fewer white students at the two institutions combined.

The fourth element of OCR policy is *increasing involvement of the federal government in higher education decision making.* OCR desegregation criteria expand the federal role by involving the agency in decisions affecting a large number of new programs and institutional changes. Any desegregation plan must:

> Commit the state to advise OCR of proposed major changes in the mission or the character of any institution within the state system which may directly or indirectly affect the achievement of its desegregation goals prior to their formal adoption.
>
> Such proposed changes include but are not limited to: the establishment or major expansion of programs of study, of departments or institutions; the alteration of two year to four year institutions; the conversion of a private to a public institution; or the closing or merger of institutions or campuses. (*Federal Register,* p. 6661)

An earlier draft of this criterion required states to "submit proposals

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for any major change . . . to OCR for review 90 days prior to their adoption," but the agency changed the wording after protests from university officials. Nevertheless, an additional requirement mandates that "OCR may impose more stringent requirements, including advance approval by OCR of desegregation methods, in order to assure achievement of the goals of the plan" (*Federal Register*, p. 6663). These criteria explicitly force college and university officials to include federal authorities in important curricular decisions, and they leave the door ajar for future prior-approval requirements for higher education decisions should OCR's desegregation goals not be met.

Ignoring the important issues

This new policy toward public higher education might conceivably be justified if it offered the promise of substantial improvement at traditionally black colleges and universities. But even if public higher education were altered to satisfy OCR criteria, the agency's goals of desegregation and enhanced black colleges *still* would not be achieved because two crucial issues have been insufficiently emphasized.

Thus far OCR "enhancement" criteria for black colleges have focused on additional appropriations, modern facilities, new programs, and new non-racially oriented missions. The agency's criteria place less emphasis on faculty quality and no emphasis at all on admissions standards on black campuses. A policy that emphasizes money, buildings, and programs but fails to confront the problems of faculty quality and admissions standards elevates form over substance and dooms both goals of eliminating racial identifiability and enhancing traditionally black campuses.

Perhaps OCR is reluctant to confront these issues because they clash with the intense desire on the part of some blacks to maintain public black colleges with an unmistakable racial identity. While civil rights organizations generally remain united behind efforts to desegregate elementary and secondary education, they diverge sharply when the effort reaches higher education. Some civil rights groups, principally the NAACP Legal Defense and Education Fund, remain at least formally committed to thorough desegregation of public colleges and universities. The president of that organization argues that OCR should promote thorough desegregation of public higher education because identifiably black campuses will inevitably be discriminated against in states where

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whites control economic and political power: "We have learned that black institutions just will not get the kind of funding and support that will make them competitive."

But the National Association for Equal Opportunity in Higher Education (NAFEO), an organization of black colleges, argues that black campuses continue to play a vital role in the education of black Americans. Defenders of black colleges assert that these campuses provide an opportunity for disadvantaged students to attend college in a compassionate, supportive environment that emphasizes black culture and history, an essential service that would be eliminated were they to lose their racial identity. As one student argued, "Black colleges are one of the few institutions left in a white society that we can really call 'ours.'" Discussion of the issue often becomes exceedingly emotional, with one black newspaper columnist charging OCR with adopting "a course of black genocide in higher education. They [OCR officials] think the destruction of black institutions is the salvation of black people."

While OCR has usually responded more to the desegregation advocates than to black college defenders, the agency remains sensitive to both constituencies. Therefore policies favored by both—such as more money and programs for black colleges—are pursued more vigorously than policies favored by only one—such as more white faculty and students at black colleges. Efforts to mollify defenders of black colleges provide a plausible explanation for the reluctance to tackle the issues of faculty and student body quality. Yet failure to come to grips with these issues dooms the agency's goal of truly enhanced, less racially identifiable, traditionally black institutions.

No measure of faculty quality is completely acceptable, but the proportion of a faculty with earned doctorates is a reasonable partial measure. Generally, the proportion of black college faculty holding Ph.D.s is below that of other campuses. For example, in the fall of 1979 the proportion of faculty members with doctorates at North Carolina's five public black campuses ranged from 36 to 53 percent, compared with 46 to 79 percent for ten other public campuses (not including an arts academy). This pattern results from hiring decisions at the institutional level, not from some system-wide constraint.

OCR criteria require states to improve black college faculties so that the number and quality are "at least comparable" to those on similar white campuses. Presumably OCR could encourage colleges with a low percentage of Ph.D.s to emphasize the doctorate as a requirement for hiring, but here the desire to maintain a black iden-

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tity comes into play. Only about 2 percent of scholars holding doctorates in the United States are black, and traditionally white colleges and universities compete intensely for the available black candidates to meet affirmative action goals. Were a black college to hire on a color-blind basis only among scholars with Ph.D.s, the faculty would evolve into a predominantly white body. So there is an incentive among those trying to maintain a black institutional identity to hire a black candidate with lower academic qualifications than a white applicant. This incentive is certainly not the governing principle on all black campuses, but it does exert influence at those institutions whose officials most intensely desire to maintain racial identifiability.

This incentive has at least two effects that run counter to OCR goals. First, research in both elementary-secondary and higher education indicates that faculty quality appears to be more important for student achievement than appropriations or facilities. Therefore failure to hire the most qualified applicants regardless of race probably lowers achievement rates on black campuses. Second, failure to address seriously the issue of faculty quality dooms a new non-racially oriented mission for black institutions. A distinctive aspect of black colleges following their "old" missions as schools for disadvantaged blacks is a faculty where relatively few professors have Ph.D.s and even fewer received their doctorates from prestigious universities. Reaching OCR's goal of enhanced institutions with non-racially oriented missions demands a direct confrontation with the issue of faculty quality.

OCR has at least mentioned faculty quality in its criteria, and the North Carolina settlement suggests that the Reagan administration may be paying more attention to this factor, but OCR has completely ignored the question of admissions standards on black campuses. Yet low or nonexistent admissions standards at those institutions have several effects that are diametrically opposed to OCR's goal of enhancing black colleges as a means of eliminating their identifiability. First, by continuing to admit and graduate students with combined SAT scores below 600 (and such students constitute a majority of the student body on some black campuses), black colleges ensure that high proportions of their graduates will fail post-college licensing examinations in teaching, nursing, and other professional fields. In the process, they send a message to prospective students and the general public that the college has hardly been "enhanced." Second, by continuing to admit many poorly prepared students, a college inhibits its ability to attract the

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first-rate faculty necessary for enhancement. Third, as is the case with faculty quality, peer influence appears to have a greater effect on student achievement than facilities or appropriations. Thus a student body with a poor educational background probably produces lower rates of student achievement than are found at more selective campuses. Finally, low admissions standards guarantee that black colleges will be locked into their old missions. Characteristics of students and graduates structure to a substantial degree the perceived quality and mission of any college. Admission of students regardless of their educational backgrounds ensures that black colleges will continue to be perceived as institutions for disadvantaged blacks, and no amount of compensatory funding or new facilities or statements about new missions will alter that perception.

OCR enhancement criteria have therefore become a triumph of form over substance. New programs are emphasized more than the faculty who teach them. New buildings are emphasized more than the students who use them. Because a college's reputation rests more on the quality of its faculty and the educational backgrounds of its students than on the age of its facilities or the number of its programs, genuine enhancement of black colleges is unlikely under OCR criteria.

New principles for policy

That OCR has found it difficult to produce an effective and coherent policy is not surprising, for eliminating racially identifiable colleges and universities in the near future is impossible without adopting politically unpalatable measures. Eliminating racial identifiability in the short term requires constraining student choice of a college or university by policies that would either outrage the black community or radically restructure American higher education.

Racially identifiable senior institutions could be eliminated by closing black colleges or converting them to two-year junior or community colleges, but these alternatives are politically impossible. Merging proximate black and white public campuses can create a political firestorm, and the available evidence indicates that even this step would not eliminate racially identifiable campuses. White enrollment dropped dramatically after a judicially-ordered merger of black and white campuses in Nashville, so that the black percentage in the combined student bodies grew from 49 percent before the merger to 65 percent two years after.

Racially identifiable campuses might also be eliminated by struc-

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turing higher education like elementary and secondary schools to constrain student choice. Geographical attendance zones could be drawn for each state institution, and students could be required to attend the nearest school, or a central admissions office for all state institutions could be established from which students could be assigned to particular campuses to create the "appropriate" racial balance. (A government witness in the North Carolina hearing advocated such a centralized process for faculty hiring on state campuses.) Even with the heroic assumption that students would remain in the state system rather than flee to private institutions or public colleges in other states, the political and educational costs of such a radical restructuring are unacceptable.

Since short-term solutions are politically impossible, racial identifiability will probably persist for years in public higher education. *Given that reality, the federal government is left with essentially* two alternatives if the quality of the stronger institutions is to be preserved. The government could abandon the goal of eliminating racially identifiable colleges and universities, accepting such institutions as either desirable or inevitable; OCR would then concentrate on ensuring fair treatment of individuals (rather than of institutions). This alternative requires acceptance of predominantly black institutions as educationally unequal with their white counterparts for at least the near future, for the genuine enhancement of black colleges necessary for true institutional equality requires steps that negate the possibility of separate schools with unmistakable racial identities. This conclusion is not a result of the racial identity itself so much as other factors—the low percentage of top-quality prospective faculty members who are black and the poor educational background of many black college applicants.

The other alternative for the federal government is to retain the ultimate goal of eliminating racial identifiability in higher education and to fashion policies that preserve educational quality. Such an approach must rest on four principles.

First, legitimate academic standards for admission, retention, and graduation are essential for promoting educational quality and excellence. Fairly applied standards are necessary to promote an atmosphere of expectation that pushes a student of any race to the limits of his or her ability. Those standards may for a time have a disproportionate effect on particular groups, but abandoning a standard simply because of a disproportionate effect guarantees that public colleges will be geared to the least able and least motivated student who chooses to attend.

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Second, not all high school graduates are prepared for immediate entry into a four-year college or university. This does not imply that students with weak educational backgrounds would not benefit from further education, but only that they are not yet ready for baccalaureate work. Students unable to obtain admission to a four-year college are not denied an opportunity for higher education, because two-year community colleges with "open door" admissions policies exist in part to serve such students and to enable them to prepare for further study in senior colleges.

Third, concentration of doctoral and sophisticated professional programs on a limited number of campuses in any state is sensible both for economic efficiency and educational quality. The graduate library needed to sustain advanced research is enormous in comparison to that required for high quality baccalaureate and master's degree programs. Moreover, educational quality demands a concentration of sophisticated graduate and professional programs. A dental school would be far stronger if it could draw on the resources of a medical school's faculty and facilities than if it were located on an isolated campus.

Fourth, a broad undergraduate curriculum with an academic core and professionally-oriented baccalaureate programs is fully justified on most four-year campuses. A baccalaureate program such as business administration is not an independent entity that can be moved about in a social experiment without doing violence to the academic integrity of the program or the institutions involved.

An improved, desegregated education

Federal policy could, without violating these four propositions, encourage desegregation of both black and white campuses while genuinely enhancing black colleges. Major enhancement efforts should concentrate on improving black college faculty and student bodies to create true enhancement of black institutions. Faculty quality can be improved, despite the constraints of tenure systems, by steps that are not being widely pursued. Colleges could require a Ph.D., or other appropriate terminal degrees, for all faculty hiring or promotion. (Such a provision is part of the federal government's agreement with North Carolina.) Paid sabbatical leaves that would allow current faculty members to complete their doctorates could be established or expanded. Faculty members would therefore be placed in the position of finishing their doctorates at state expense or foregoing further promotions. And, given the tight job market

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for young Ph.D.s, colleges should be able to fill most new faculty positions with scholars who have completed their doctorates (who are, of course, more likely to be white than black).

A genuine effort at upgrading black colleges also requires improving the quality of the student body. To truly enhance black colleges, admissions standards would have to be increased. These institutions could retain a remedial mission by separating the remedial track from the regular four-year program. Admission to the regular program would then be contingent upon passing a rigorous competency examination. While admissions standards need not be determined strictly by a formula, standards for admission to the regular program at black colleges would have to be comparable to those at white institutions of similar scope if genuine enhancement, academic respectability, and true institutional equality were to be obtained.

One consequence of this alternative would be an initial decline in enrollment and enrollment-driven appropriations in the regular program on black campuses stemming from increased admissions standards. Appropriations would probably have to be frozen on these campuses at the levels existing before the change until better-prepared students began replacing the poorly-prepared students who were not admitted.

A second consequence would be an initial decline in the proportion of black students enrolled in the regular senior college curriculum. Substantial recruitment efforts in high schools would be necessary to ensure that poorly prepared blacks not admitted to the regular program would enroll in the remedial track or two-year institutions, where their educational needs would be met more directly than at a four-year senior college.

Could federal policy, without violating the four propositions outlined above, also encourage desegregation? Genuinely improved black campuses would gradually attract additional white students. Further desegregation of both black and white campuses could be promoted by using scholarships for qualified students who wish to attend campuses where they would be in the minority race and by affirmative action efforts designed not to institute quotas or lower standards but to expand the applicant pools for student admissions and faculty positions.

But no feasible alternative will quickly eliminate racially identifiable colleges and universities. That goal requires severely constraining student choice, either by closing black colleges or by radically restructuring higher education. Even a radical restructur-

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ing might not eliminate racially identifiable institutions, given the distinct possibility of resegregation (as seems to be happening in Nashville). If the government indeed desires to retain desegregation as a goal, then recruiting blacks who meet established standards on white campuses and instituting well-publicized improvements in faculties and student bodies on black campuses offer the best chance for preserving educational quality while encouraging more permanent desegregation.

Clearly a fundamental reevaluation of OCR policy is in order. That policy offers us white institutions with lower standards, weakened curricula, and reduced autonomy, coupled with black institutions experiencing the pseudo-enhancement of new programs and more money without stronger faculty or better students. The Reagan administration, despite a shift in enforcement attitude, has thus far provided more a reaction against the excesses of the past than a coherent and thoughtful alternative policy.

Would federal courts accept revised criteria? We do not know. But first OCR must alter its regulations so that they aim at an educationally desirable objective. Any reevaluation should be shaped by an appreciation for the importance to higher education of legitimate academic standards, concentrated graduate and professional programs, broad undergraduate curricula, and limited federal involvement in academic decision making. Federal policy growing out of the OCR conception offers not so much desegregation as debilitation for public colleges and universities.

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Media and Business Elites: Two Classes in Conflict?

STANLEY ROTHMAN & S. ROBERT LICHTER

For some time we have been engaged in a large-scale study of two "elite" groups in American life: business executives and journalists. Businessmen have played a leading role in American history, though today the significance of their role may be diminishing compared with that of elected officials, government bureaucrats, the intellectuals who shape ideas, and the journalists who spread them. In recent years we have seen more and more attention given to competition between what has been called the "new class," and the "old ruling class" of businessmen. The "new class" is variously defined, but usually refers to those whose base is in government, the universities, and the media. Thus a key question in American politics is whether the elites of government, the universities, and the media are really different in their ideas and outlooks from the business elite.

As part of our larger study of elites, we have been successful in interviewing 240 journalists at what are widely regarded as America's most influential media institutions: *The New York Times, The Washington Post, The Wall Street Journal, Time, Newsweek, U.S. News and World Report,* the three commercial television networks, and public television.[1] Within each organization we randomly selected individuals from news department executives, editorial or production staffs, and working reporters. We also interviewed top and middle level executives of firms drawn from various *Fortune* magazine lists of leading companies in various sectors of the economy. The interviews were conducted during 1979-1980, and the response rate among journalists was 76 percent, while among businessmen it reached 95 percent.

These interviews were compared in order to answer four ques-

[1] For evidence that these are our most influential media outlets, see Carol H. Weiss, "What America's Leaders Read," *Public Opinion Quarterly*, no. 38 (Spring 1974): 1-22.

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tions: Do leading journalists differ significantly from business leaders in their political and social outlook? Are they skeptical of traditional American institutions and especially of business? Do the social backgrounds of elite journalists differ significantly from those of the business elite? And, most importantly, do journalists' social and political views affect the way in which they report the news?

We found that the media elite does have a more liberal and cosmopolitan social outlook than either business leaders or the general public. On economic issues they are well to the left of businessmen.[2] Although most are not socialists, they strongly sympathize with the economic and social policies developed by the left wing of the Democratic Party during the 1960's and 1970's. They are also suspicious of and hostile toward business, are far more critical of American institutions than are businessmen, and are much more sympathetic to the "new morality" that developed in the 1960's.

For example, 45 percent of the media leaders strongly agree that the American legal system favors the wealthy, double the proportion of businessmen who think so. Conversely, media leaders are three times as likely as businessmen to reject the notion that American private enterprise is basically fair to workers. And 68 percent of the journalists, as against only 29 percent of the businessmen, believe that government should substantially reduce the income gap between the rich and the poor.

Differences on questions related to the "new morality" are even more striking. Businessmen support traditional moral standards by margins of three- and four-to-one over journalists. Only 15 percent of the journalists feel strongly that adultery is wrong, compared to 48 percent of the businessmen. Even fewer journalists, 9 percent, strongly agree that homosexual relations are wrong, compared to 37 percent of the businessmen.

These media and business leaders view each other with mutual suspicion, if not outright hostility. We asked all of them to rate the influence of various groups in our society and to express their preference for the power that each group should have. *Each group rates the other as the most influential group in America; moreover, each wants to reduce substantially the power of the other and to take its place as the most influential group.* Leading journalists see themselves as already quite influential, but they want relatively more power in American society than they now have—and certainly more than they perceive businessmen as having.

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[2] For a fuller discussion of these findings see: S. Robert Lichter and Stanley Rothman, "Media and Business Elites," *Public Opinion* (October/November, 1981): 42 ff; and S. Robert Lichter and Stanley Rothman, "The Media and Business: A Question of Bias?" *Journal of Contemporary Studies* (in press); the first article is summarized in "Current Reading," *The Public Interest* no. 67 (Spring 1982): 140-142.

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In order to appraise the differences between these elites more systematically, we used the statistical technique called "factor analysis." The results showed that the social and political attitudes of the two groups form three separate ideological "clusters." The first cluster consists of attitudes favoring the "new morality (e.g., the belief that adultery is not immoral). The second grouping consists of "antisystem" or "alienated" responses, which involve the view that American society is unjust (e.g., the belief that the American legal system favors the wealthy). Finally, the third cluster involves positive attitudes on liberal economic reforms—those associated with the welfare state—such as income redistribution and guaranteed employment. We compared the scores of media and business leaders on each cluster of attitudes. The scores were "normalized" so that 50 represents an average score. As Table I shows, journalists outscore businessmen on all three scales by margins of seven to ten points. All of the differences are statistically significant.

We have also found that these attitudes differ within the media from institution to institution (Table II). Journalists at *The New York Times*, *The Washington Post*, and its sister publication *Newsweek* are well ahead of the other print media in all three measures. Television personnel are much more sympathetic to the "new morality" than are print journalists, and those in public television lead every other group in economic liberalism, alienation, and support for the "new morality."

These differences among media personnel are fairly substantial, and are statistically significant. On our "new morality" scale, for example, the television network personnel score about six points higher than those at *U.S. News and World Report*. On our economic liberalism scale, scores range from 50.7 for *Time* personnel to 58.1 for those at *The New York Times*, and almost 60 for those in public television. Even journalists at the most conservative publications are more liberal than the business elite.

Critics of the "new class" have argued that these differing attitudes are linked to divergent social backgrounds. If this is true, we should find that the media elite is drawn more heavily from urban, secular, highly educated, and affluent upper middle-class professional backgrounds. In general we have found that these asser-

Table I. *Scores of Media and Business Elites on New Morality, Alienation, and Economic Liberalism Scales*[1]

	Media Elite	Business Elite
New Morality	54.8	44.7
Alienation	53.6	46.6
Economic Liberalism	54.7	45.5

[1] Source: Authors' calculations. The scores are normalized, with 50 being an average score.

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TABLE II. *Average Scores on New Morality, Alienation and Economic Liberalism at Ten National Media Outlets*[1]

	New Morality	Alienation	Economic Liberalism
U.S. News	50.0	49.6	51.3
Wall Street Journal	52.3	51.6	51.7
Time	53.6	48.5	50.7
Newsweek	55.0	55.0	53.9
Washington Post	53.5	53.2	56.2
N.Y. Times	54.4	52.7	58.1
CBS	56.2	52.5	52.8
ABC	56.2	55.2	53.5
NBC	55.1	53.1	52.8
PBS	58.3	59.4	59.5

[1] Source: Authors' calculations. The scores are normalized, with 50 being an average score.

tions are accurate, although the differences are not always large. For instance, 36 percent of the journalists, as against 26 percent of the businessmen, grew up in large cities. The journalists also come from much more highly educated families than the businessmen: 25 percent of journalists' fathers held graduate degrees, twice the proportion among businessmen. And almost one in ten journalists report that their mothers held graduate degrees, compared to only 2 percent among businessmen.

Journalists' parents also tend to come from higher-status occupations. Among journalists' fathers, two in five were professionals and an equal number were businessmen; only 12 percent had fathers who were blue collar workers. Among businessmen, by contrast, only one in five came from professional homes, and the largest proportion, 28 percent, came from blue collar families. Not surprisingly, journalists are more likely than businessmen to say that when they were growing up their parents' income was "above average" (45 percent against 31 percent).

More surprisingly, business leaders are currently only slightly better off economically than the media elite. Only 57 percent of businessmen report family income of at least $50,000 a year, as against 48 percent of media leaders. And 23 percent of the media elite report income of over $75,000 a year, as against 25 percent of business leaders. At the very top of the scale, 3.4 percent of the journalists and only 2.1 percent of the businessmen report family income exceeding $200,000 a year. As one might expect, television salaries bring overall media salaries up. A comparison of businessmen with print media personnel would have produced much greater differences. In addition, a larger number of media personnel than businessmen are either married to working professionals or rely upon inherited wealth. So differences in salary between journalists and businessmen are much larger than differences in family income. (And family income is a better measure of current economic status.)

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There are equally interesting differences in education. While a slightly larger percentage of journalists than businessmen completed college (93 percent as against 87 percent), the proportions who have received graduate degrees are about the same (a little over one-third of both groups). However, the journalists are more likely to have attended prestigious schools. We ranked schools on a scale from 1 (lowest) to 7 (highest), based on such factors as size of endowment and student SAT scores. The average rating of undergraduate institutions attended by journalists was 5.56 as against 4.77 for businessmen. The differences between the graduate schools they attended is almost as large (6.34 as against 5.73). Both differences are statistically significant.

Finally, 13 percent of media personnel report that they were raised with no particular religious orientation, as against only two percent of businessmen. Today 50 percent of the journalists we studied regard themselves as agnostics or atheists, compared to only 12 percent of the businessmen. Only one out of seven media leaders attend church at least once a month, while a majority of the businessmen are regular churchgoers.

Do journalists' attitudes really account for the shape and substance of the news? Our interviews contained two tests which examine the way journalists make the "reality estimates" that underlie all news judgments. First, in an effort to understand the perspectives of businessmen and journalists on some aspects of the news, we handed members of both groups cards containing "news stories" we had written. Each story presented conflicting views on a controversial public issue. After returning the cards, subjects were asked to summarize the stories in a sentence or two. (Their summaries were coded by scorers who knew nothing about either the study's purposes or the identities of participants, and each summary was examined separately by two coders. The two scores were in agreement more than 90 percent of the time, suggesting that these classifications are very reliable.)

As it turns out, the interpretations of both journalists and businessmen are indeed related to the manner in which they perceive and describe the world. For example, one story dealt with affirmative action and the charge that it produces "reverse discrimination":

> In the wake of the Bakke decision, a growing number of white males are fighting back against affirmative action programs that favor women and minorities in employment and university admissions. Steelworkers in Louisiana, firemen in Pittsburgh, and teachers in Detroit are all raising their voices in protest.
>
> The chairman of the Equal Employment Opportunities Commission says that this backlash places affirmative action programs in "severe jeopardy." Conservative forces, he warns, are trying to exploit this reaction against "reverse discrimination" and throttle all efforts to bring women and racial minorities into the economic mainstream.

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> A white male teacher recently rejected for tenure in favor of a female colleague disputed this, saying, "It's all right to talk about eliminating discrimination, until your ox is gored. Then it brings the issue into focus."

Many people summarized this story in very straightforward or neutral terms: "[It's about] the effect of the Supreme Court's decision on the Bakke case." Others were careful to mention both sides in the conflict: "White males are increasingly resisting affirmative action programs, but the EEOC is defending the concept." About one person in four, however, remembered only one side of the story, and half these responses were sympathetic toward the cause of affirmative action: "Many feel that the Bakke decision will cause a reactionary approach to employment with minorities no longer being given favorable opportunities." Another summary read, "The decision in the Bakke case appears to be resulting in further discrimination of minorities." Other "one-sided" responses stressed the evils of "reverse discrimination": "A lot of people think there is reverse discrimination and affirmative action programs are discriminating" or, "What's good for the goose is good for the gander. The black minority wants equal rights but does not want [them] for the whites."

Overall, members of the media elite chose "positive" summaries over "negative" ones by a margin of 17 percent to 9 percent, almost a two-to-one ratio. By contrast, the business leaders favored the "negative" over the positive summaries by exactly the same margin. Businessmen were also more likely to frame their summaries in quite neutral terms, while journalists tended to portray a conflict between two sides. Differences emerged again when these groups summarized stories dealing with the income gap between blacks and whites, and with the conflict between environmental protection and energy development.

The implication of these findings is clear. Media and business elites interpret the same information quite differently, in ways that correspond to their very different views of the world. This may be especially troubling with regard to journalists, since they control the dissemination of news. It suggests that avoiding conscious bias is not enough, that one must still deal with unconscious bias.

INTERPRETING news stories is only one facet of the larger question of how elites interpret social reality. To examine this larger question systematically, we administered Thematic Apperception Tests (TATs), a series of ambiguous pictures about which respondents write stories, to both the media and business elites. We also devised a system to score the TATs for social and political imagery. For example, one TAT picture showed a black adult and child talking in a child's room. In the imaginative stories they created about the picture, journalists were over twice as likely as businessmen to mention discrimination encountered by blacks or the poverty that

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they endure. Another picture showed a young man and an older man talking in an office. Most subjects identified both as businessmen, but some portrayed the characters as involved in illegal, unethical, or corrupt behavior in the pursuit of business interests. Others found a positive message, describing helpful behavior or the social benefits of business.

A typical "positive story" pictures the older man as trying to assist the younger:

> Mr. Jones, son of the founder of the family company, is trying to persuade his own son that there are no new problems being faced by young Jones. Mr. Jones is explaining to his son his own learning experiences a generation before, and offering old-fashioned homilies about continuing to try in the face of difficulties. Young Jones . . . has faced his first major error with the company . . . His father is trying to explain that such errors are normal, if avoidable . . . Neither is comfortable doing what he is doing, yet each realizes that he is playing a useful role to each other . . .

A standard "negative" story, by contrast, focuses on greed and corruption in the boardroom:

> The setting could be McDonnell-Douglas, the aircraft corporation, on the verge of deciding to go into production of the DC-10 transport. The older man has learned that the new design tests show a serious, systematic flaw that will almost certainly cause crashes. The younger man is weighing his own high ambition against the production decision on grounds of safety. The younger executive is deciding that the arguments of his associate are not sufficiently compelling to risk the loss of status and prospects of advancement. He is on the verge of selling out.

Business leaders produced slightly more positive stories about the picture than negative stories. Among the media elite, negative tales outnumbered positive ones by better than a four-to-one margin. Once again, differences were found for all five pictures.

To a much greater degree than businessmen, journalists wrote stories that criticized or lampooned "establishment" or authority figures and portrayed minority or low-status figures as victims of social oppression. In other words, political differences between media and business leaders are reflected in their interpretation of ambiguous social situations. This finding supports the argument that "new class" and traditional elites represent different cultural milieus or symbolic environments. Their divergent political outlooks are only one element of fundamental differences in the ways they perceive and interpret social reality.

A further question is whether the divergent political attitudes of journalists and their perceptions of society are systematically related to one another. For instance, consider a journalist who is economically liberal, and politically alienated. Do these traits make

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him more likely to interpret an ambiguous TAT picture as a case of business corruption, or to react to a news story about the Bakke decision only in terms of its possible negative effects on minorities?

We first determined that our two measures of social perspective—the "news story" summaries and TAT social imagery—were themselves related. Someone who gave a liberal slant to the news stories also tended to write TAT stories that had liberal or anti-establishment themes, so we combined these tests into a single scale of "liberal" social perceptions. We found that 98 percent of the journalists produced at least one liberal response, and a majority attained scores of 3 or better. By contrast, fewer than three in ten businessmen gave as many as three liberal interpretations to the news stories and TAT pictures. Overall, the journalists produced a mean score of 2.8 liberal responses, which significantly exceeded the average of 1.7 among the businessmen. Moreover, these social perceptions were significantly correlated with the political attitudes we measured. All three sets of political attitudes—economic liberalism, alienation, and "new morality"—helped to explain social perceptions.

Our results suggest that journalists' perceptions of social reality are influenced by their political attitudes, so it is not unreasonable to infer that their news judgments may reflect both the "progressive" values they hold and the "new sensibility" they represent. But we must urge some caution in interpreting these findings. The press has a longstanding tradition of fairness and nonpartisanship; the ability to overcome one's biases is the hallmark of journalistic professionalism. Among the media leaders we surveyed, two out of three rejected the statement, "Journalists can't be impartial in reporting on issues they feel strongly about." On the other hand, one may strive for impartiality without always attaining it. As a former managing editor told us, "Even though these people are professionals, there's bound to be some slippage. The real problem is, when they're so politically homogenous, the slippage will be mostly in one direction."

THE press upholds two conflicting ideals that cannot always be reconciled. The reformer's social commitment coexists uneasily alongside the cool nonpartisanship of the objective observer. This is a dilemma that even the best journalists rarely face head-on. For example, Walter Cronkite was once asked whether journalists were "liberals," biased against established institutions. He replied that this was not the case; they merely tended "to side with humanity rather than with authority." This cuts to the heart of the issue. It is not a matter of conscious bias, but rather of the necessarily partial perspective through which social reality is filtered. If the world is divided into authority and humanity, then naturally one sides with humanity. But how the world is indeed divided, who is assigned to each side and the circumstances in which one takes a stand for one side and against the other—such judgments are anything

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but self-evident. We all reconstruct reality for ourselves, but journalists are especially important because they help depict reality for the rest of society. They do so through the everyday decisions of their craft: What story is worth covering? How much play should it get? What "angle" should it be given? What sources are trustworthy and informative? The preconceptions journalists bring to such decisions help determine what images of society are available to their audience.

So the reason that the differences in political orientation between journalists and businessmen are important is that journalists are a new strategic elite, responsible for creating and transmitting the information that most Americans depend upon for their understanding of social reality. Whether or not they constitute a "new class," their distinctive mindset does influence the way they—and the rest of us—perceive social reality.

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"Judgment" and Judicial Politics

DONALD N. JENSEN

Michael A. Rebell and Arthur R. Block: **Educational Policy-Making and the Courts: An Empirical Study of Judicial Activism.** *University of Chicago Press. 336 pp. $27.50.*

Richard Neely: **How Courts Govern America.** *Yale University Press. 233 pp. $15.00.*

Social policy in this country, as is often observed, is increasingly made by the judiciary. Almost one-half of Boston's municipal budget is under the control of the federal courts; in 1981 judges presided over the spending of more than $500 million in Massachusetts; hundreds of prisons and jails have been the objects of lawsuits by litigants seeking to improve their conditions; and more than 25,000 civil rights suits have been filed in the federal courts in recent years. In short, judicial action today seems much different than that described by Alexander Hamilton in *Federalist* No. 78. Hamilton cited "judgment" as the main attribute of the judiciary; it lacked, he said, both force and will.

This active role of the courts in social policy has spawned a distinctive kind of political activity: A large number of organizations around the country have used the courts to pursue social change. They have filed lawsuits alleging that public officials have conducted public business unlawfully. They have bargained with those officials about the content of remedial plans, and then maintained a continuing political relationship with the courts and public agencies as those plans were implemented and modified to meet changing circumstances. Unfortunately, studies of judicial policy-making—these by Michael Rebell and Arthur Block and by Richard Neely among them—have tended to ignore these legal politics.

Educational policy-making and the courts is by any standard an important book. The authors seek nothing less than "to answer many of the questions raised . . . concerning the capacity of courts to resolve issues of social policy, and the legitimacy of their attempt to do so." They analyze 65 federal court cases concerning

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the schools, decided between 1970 and 1977, in the light of the "judicial activism" debate. The issues which have served as the basis for judicial decision are examined (Do these cases raise issues of "principle," usually considered the proper concern of the courts, or "policy" issues more appropriate for resolution by the other branches?) Rebell and Block investigate the ability of judges to obtain relevant information and to use social science data. They also discuss the capacity of courts to fashion remedies and to cope with the administrative problems that attend implementation. Rebell and Block, who have extensive experience as attorneys in school litigation, supplement this inquiry with four detailed accounts of educational litigation around the country. These case studies are then compared to legislative action in the same areas.

Rebell and Block conclude that the courts have performed these tasks reasonably well. In most of the cases they examine, the courts have no choice but to assess factual and policy issues in order to properly adjudicate claims. Policy issues usually considered the concern of the executive and legislative branches necessarily enter a case at its remedial stages, and therefore must be considered by the judge. In short, the trend toward increased court activity in education results from the fact that a substantial number of educational policy issues are now brought to the courts; judges have not sought to usurp legislative or executive powers on their own.

The authors also arrive at other interesting conclusions: Most suits were brought by plaintiff groups which do represent the interests of the larger social class for which they claim to speak; the discovery process is an effective device for gathering information (although judges were only infrequently asked to assess social science data); and, compared to legislatures, the courts are reasonably successful in making social change. The authors find that extensive reform decrees are rarely used and that judges usually prefer nonintrusive decrees whenever possible.

Yet for all its brilliance, the book is not completely convincing. Rebell and Block view judicial policy-making as many lawyers do: Court involvement in changing social institutions is treated in an all too static way, as one would treat a case in law school class. There is too little exploration of the political dynamics of institutional reform litigation—either the political interaction of the several interest groups participating in such litigation with the courts and with each other, or the length of such suits and the effects that prolonged court supervision has on policy and political outcomes. In short, Rebell and Block treat too lightly what happens *outside* the courtroom in the school department or in city hall. Surely the issue of judicial capacity to gather information, for example, ought to encompass an inside examination of the affected bureaucracies. That Rebell and Block are reluctant to discuss the relationship of the courts to other important institutions, to see them as part of a rather "messy" political process, means that the authors' conclusions are necessarily incomplete.

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RICHARD NEELY, Chief Justice of the West Virginia Supreme Court of Appeals, finds it inevitable that the courts will take the plunge into politics. He seeks to explain and justify that involvement by distinguishing between the myths that legitimize our political system and the way that system actually works. Neely believes that it is the role of the courts to make real the liberty and equality that our system promises. The courts must protect society from the institutional infirmities of electoral politics, the realities of legislative activity, and the self-serving tendencies of the entrenched public bureaucracies. Although these institutions work well most of the time, Neely says, when they do not, the courts must intervene to restore "institutional balance." Only when this equilibrium has been restored will "participatory democracy" be achieved.

When should courts intervene to restore this balance? Neely thinks that the courts are well suited for making laws that affect the general interest, and he suggests several criteria for determining when judicial intervention is appropriate: When the change desired is entirely technical, and can cogently be analyzed by an examination of economic and social circumstances; when a consensus exists about the public values that the courts ought to apply; when the issue is not actively being considered by the executive and legislative branches; and when a minority group that ought to be protected has been denied access to the political system. Neely does not believe that the courts should directly order the expenditure of money; he thinks they ought to act only as a last resort, and then only when the legislative and executive branches are performing worse than society has been expecting. Using these guidelines, Neely believes that the reform of the criminal law during the Warren era was an appropriate task for the courts. The attempts during the same period to alter school finance formulae around the country were less appropriate. Court efforts to reform mental health facilities and juvenile detention institutions, and to ensure civil rights for the handicapped, he finds suitable judicial undertakings.

Neely's book is marred, as is the one by Rebell and Block, by his professional norms. Neely believes that judges are able to restore the balance in the political system because they are the best educated officials in government and are less likely to engage in that "self dealing" that is so characteristic of bureaucracies. This leads him to ignore many common attributes of reform litigation, such as the prevalence of litigation politics which also give rise to a self-serving pathology.

ALL of these authors assume that discrete and insular minorities go to the courts as a last resort, and then only to seek vindication of rights denied them by the other branches. If such a denial can be shown to have occurred, the judge enters a judgment of liability against the official transgressors, and orders a remedial plan to secure the denied rights. The judge then oversees the implementation of that plan either directly or through a surrogate until the

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substantive rights that have been previously denied are again enjoyed.

Reality is much different. In institutional reform litigation, the litigant groups before the court and the judge become important political actors themselves. The settlement often is the result of bargaining among these actors. The lawsuit is the vehicle which allows these litigant groups access to the political system. And in every area of social policy in which the courts have been active in the past 25 years—prison and jail conditions, school integration, school finance reform—a group of regular clients has arisen. Some of these groups, such as the Legal Services Corporation, have been financed by the federal government; others, such as the NAACP Legal Defense Fund, subsist on private money.

These legal interest groups have several distinctive characteristics. First, they are policy entrepreneurs—they seek out "representative" plaintiffs, prepare cases on behalf of large social groups, spend much time and money documenting government malfeasance, and conduct legal proceedings. (Lawsuits are usually filed when these groups predict success). Second, these interest groups do not require—and often they do not seek—participation from the more amorphous classes they seek to represent. Their ability to gain access to the courts and to prevail at trial does not depend on the awareness of large classes of their legal rights or on the cohesiveness of those classes. It is enough that the judge in the case and the lawyers before him *believe* that women, veterans, inmates, or handicapped students support the lawsuit. Third, their political cost of participation is low: Bureaucrats or legislators need not be forced to listen, and coalitions need not be built to overcome legislative inertia. Finally, they represent social classes that are sometimes only symbolic. Blacks, women, inmates, and handicapped children usually share little consensus on issues that affect them, and, if they appeared individually in court, would assert differing legal interests.

As a result, these organizations that routinely use the courts to pursue social change are often successful in securing what they want. They need only a single class "representative" to stand as a surrogate for the entire social class. They need not listen to their constituents to assess their preferences. An unrepresentative "worst case" lawsuit can be filed, and filing can be done when the chances of success are greatest. In institutional reform litigation, virtually no participation by class members is necessary to enjoy the benefits of legal victory. And often none is sought.

THE involvement of these litigant groups results in the emergence of group participation in many areas. These groups bargain with the defendants and the judge over the content of remedial plans and sometimes help monitor the implementation of those plans. By their public presence they force officials to change their behavior. Since most reform suits last for years, group litigants often become important political actors—as important as legislators or bureaucrats.

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Often they end up, as do the judges in these cases, as the recipients of complaints quite unrelated to the original suit.

The influence of litigant groups on public policies is substantial. They help decide what to do about an issue. Special experts are brought into the litigation to testify about how to cope with certain medical or psychiatric problems. Professional standards are incorporated into the remedial plans. Since litigant groups are made up of lawyers, many remedial plans contain provisions for reporting requirements or due process hearings, devices lawyers believe will help ensure substantive entitlements. (Their influence was felt, for example, in the federal court in the *Jose P.* case. *Jose P.* dealt with education for the handicapped in New York City, but did not address educational quality because the plaintiffs in the case did not wish to introduce it.) Litigant groups also assist with the implementation of remedial plans. In New York City the Legal Aid Society has helped the federal court monitor a plan for improving conditions in the Riker's Island jails. Group litigants also work with (some would say co-opt) the court-appointed special masters who sometimes oversee the plan's implementation.

Group litigants also affect the political process. Reform litigation is often undertaken, as Neely states, in the name of "opening up" the political system to the disenfranchised. Although the courts undoubtedly have effected improvements in the public organizations they have sought to change, there is little evidence that such litigation has directly accomplished the task of increasing participation by minorities. Court intervention in social policy removes issues from the legislature or the governor's office to the courtroom. It places the outcome of those issues in the hands of those who have access to the courts. Rebell and Block find that most reform suits in education are settled by consent decree. This negotiated relief is dominated by those groups united by a legal strategy and in possession of the tactical advantages already discussed; that is, by litigant groups.

Faced with an adjustment to the changes required by court decrees—decrees that sometimes are beyond his ability to change—the citizen who disagrees with what is being done in his name can only react in one way: He can punish the institution itself. He removes his children from the public schools, his representatives slash prison budgets, or he moves to another school district. All of this is barely mentioned in these two books. We are treated instead to discussions of the judiciary couched in a reverence usually displayed in civics texts.

The authors of these two books also ignore a more perilous long-term possibility: that those who use the courts for social change will drag the judiciary into the bog that surrounds those social and political problems that are beyond the capacity of government—any branch of it—to solve. Deciding when and how to change social policy will require a much more frequent reliance on that "judgment" which Hamilton believed was the judiciary's leading attribute.

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It is a quality one wishes were more often demonstrated by the authors of these two generally admirable books.

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The Tenacious Welfare State

MICHAEL S. LUND

***Peter Flora and Arnold J. Heidenheimer, eds.:* The Development of Welfare States in Europe and America.** *Transaction Books. 432 pp. $16.95.*

In 1881, Otto von Bismark proposed to the Reichstag that all German industrial workers should be covered by compulsory sickness insurance. The social security laws subsequently enacted from 1883 to 1889 are generally regarded as the inauguration of the modern welfare state. The Iron Chancellor's bold initiative overcame the fears of other conservative regimes of the day that social insurance meant socialism, and over the next eighty years new national schemes covering work accidents, sickness, old age, and unemployment spread in successive waves throughout Europe and across the Atlantic. Once established, these programs tended to make additional groups eligible, cover more social risks, raise benefits, and steadily increase expenditures. Following the Depression and World War II, growth in social security and other welfare functions of Western governments was especially dramatic. By the mid-1970's, public social expenditures dominated national budgets and accounted for 20 to 25 percent of national income.

Rapid economic growth in the post-war years made social spending increases relatively painless and politically easy to support. But the slow growth, unemployment, and inflation of the 1970's exposed benefit raises and higher public sector costs to criticism. In some countries, recent cross-pressures on social programs have subjected them to a level of attack unknown since the 1930's, throwing into doubt their philosophical justification as well as their effectiveness. If tax revolts in Denmark and California, the defeat of the Swedish Social Democrats in 1976 after four decades in office, and the election of conservative leaders Thatcher and Reagan are evidence of widening repudiation by national electorates of the welfare state idea, the days of this century-old institution may be numbered.

There is no doubt that the welfare state is in some turmoil, but the question to ask is whether we are witnessing fundamental threats to it, or merely a period of marginal readjustment before further growth resumes. It is obvious we cannot predict the fate

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of fully half of Western public policy solely on the basis of short-run electoral swings in a few countries. Inferring the imminent demise of the welfare state from recent losses in influence of left-of-center parties in Sweden, Britain, the United States, and West Germany would be just as tenuous as forecasting the arrival of socialism because of gains made this decade by other such parties in the Netherlands, Greece, France, and Italy. To assess the condition and prospects of the welfare state more adequately, we would need to know more about the forces that cause it to grow, the nature and extent of the troubles it is encountering, and whether present trends will persist.

Of course, thoughtful efforts to diagnose the welfare state's situation have been made. Three major schools of thought have emerged. Each of their critiques offers a theory of how welfare politics got us where we are, a definition of the welfare state's main problem, and a proposed remedy.

THE contemporary conservative view sees disincentives to work, invest, and innovate as the most damaging effects of the welfare state's high benefits, budgets, and taxes. It expands because politicians, especially those on the left, make irresponsible promises while pandering for votes, or because bureaucrats and reformers associated with social programs exaggerate social needs and stimulate artificial public "demands" in order to justify levels of budget outlays that most citizens would not consent to if they were fully informed of the consequences. The solution is to take these decisions away from remote centers of government and return them to lower-level jurisdictions and the economic marketplace.

The Trilateral Commission and other worried liberals are less concerned about the effect of advanced welfarism on the capitalist economy than they are about its implications for preserving a democratic polity. "Overload," or the widening gap between the tasks governments are pressured to carry out on the one hand, and the slackening authority and organizational resources with which they have to complete these tasks on the other, is making modern democracies ungovernable. The signs are ubiquitous protest, unstable regimes, weaker political parties, volatile interest groups coalitions, and public distrust of representative government. The fault hardly lies with the left or governmental elites, but rather with a fragmented sort of participatory politics that undermines the effectiveness of established democratic procedures. Government has become a grab bag of entitlements and special favors not only for the poor or unions but for the middle class, businesses, and a host of other assertive single-issue lobbies which are convinced that government is their only recourse. Similar academic theory puts the blame on perverse incentives that are supposedly built into the very structures of democratic institutions, resulting in bureaucratic empire-building and unrestrained vote-bidding by parties competing in elections. Partisans of this view propose varied reforms to restore

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democratic self-government, including strengthened parties and legislatures, economic and social planning, more citizen participation in managing local social welfare agencies, and lower public expectations.

Neo-Marxists see the crisis in political legitimacy going much deeper. What appear to others as mere "strains" are to neo-Marxists the surface features of fundamental "contradictions" in welfare capitalism. Unresolvable conflicts arise as the state undertakes the impossible task of fostering more capital accumulation while simultaneously trying to hold on to legitimacy through accommodating social demands. The only lasting solutions to the resulting disorder, polarization, and discrediting of capitalism and social democracy are greater economic democracy and wealth redistribution.

Whatever their differences, these three schools all assume there is a grave, generalized crisis in modern democracies that is caused in large part by increased pressures on welfare state policies, and that it can only be resolved by structural change. But even these considered analyses of the welfare state have serious limitations. They are often not far removed from the public policy debates going on in particular nations and, thus, their perceptions of events are highly susceptible to the ideological predilections of their exponents.

A new book, *The Development of Welfare States in Europe and America,* provides a more detached, historical, and cross-cultural perspective that is sorely needed in discussion of the contemporary welfare state. Produced through the collaboration of European and American historians, sociologists, and political scientists, the book is composed of ten rigorous, empirical studies dealing with the statutory content, impacts, and determinants of income maintenance, health, and education policies in fifteen Western democracies over the last hundred years. A brief consideration of key findings in this book suggests that one should beware of many of the central assumptions of the three schools of gloom.

First, what are the sources of welfare state policies? The causal theories of welfare state development of all three schools assume that purposeful actions of specific, identifiable, and possibly eradicable political forces cause the welfare state's troubles. But the Flora and Heidenheimer volume argues that it is more accurate to explain the welfare state as an institutionalized response to two underlying forces in the modernization of Western nation-states: industrial division of labor and mass democracy. The dates when most "core" social insurance laws were enacted in Europe, for example, were found to be a function of the combined effects of growing social problems and the political mobilization of the working class. The expanding labor market of the late nineteenth century created a need for minimum economic security which traditional support systems of family, village, and church could not provide. Simultaneously, mass enfranchisement created an impetus for parliaments to address the cause of workers' social rights.

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At any given time, of course, various political factions acted as the agents of the welfare state, but its policies were not the product of the left or any other single group, class, party, or ideology. In fact, welfare policies were promoted, separately or in combination, by autocrats, liberals, Tories, socialists, Gaullists, communists, Catholics, and atheists. Often, their chief supporters were not whom one might expect. Liberals and conservative governments in Europe were stronger proponents of unemployment insurance in times of high unemployment, the book finds, than were labor governments; after World War II, center and center-right coalitions spent more on social transfers than did leftist governments.

But the main lesson for contemporary times is that we should not think the prospects of the welfare state depend on the political fortunes of social democrats or any other particular party or group; when one group falls, others take up the banner. Instead, the overall direction of the welfare state may depend on the changing nature of modernization: industrialism and democracy.

A corollary is that the goals and values served by the welfare state have been diverse and have varied over time. If one is looking for areas of growth and decline, the definition of welfare state activity should not be too narrow. Recent debates tend to treat the welfare state unidimensionally: They assume it to be devoted above all to equality and redistribution. Fully developed, its policies threaten the growth and smooth functioning of capitalist economies. But if the welfare state is examined as the collective response to industrialization and democracy, it is clear that historically it has served the goal of efficiency as well as equality, meritocracy as well as security.

Some policies sought to counteract the distributive rules of capitalism, such as through guaranteeing a minimum floor of income or services to all, but others, like income-related pensions and tax-supported higher education, served to reinforce these rules. For example, inclusive social insurance programs helped cement the loyalties of the working class to the industrial structure and stabilize capitalist economies. European post-primary education policy up until the mid-twentieth century was designed primarily to equip workers for differential placement in new industrial labor markets and the civil service, and thus it fostered status differentiations and competitiveness. A major contribution of the book is its empirical demonstration of the fact that the welfare state is a major, indispensable, and not merely residual portion of the institutional fabric of the modern political economy. In evaluating its results and assessing its current prospects, a flexible conception of its values and boundaries ought to be used.

Although the welfare state was a general response to modernization, the forms that it took in particular nations varied greatly. The three schools address themselves to some imagined model of *the* welfare state, as if all Western nations' policies were the

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same, or at any rate were converging. But the book documents in detail the significant differences among the welfare *states*. The virtual universality of certain social policy instruments in the West has not meant uniformity. The time of introduction, magnitude, scope of provision, national priority, and program effects on society have differed. Moreover, the book finds evidence of increased social policy divergence in recent years.

The most salient contrasts exist between the European leaders and the North American laggards. In comparison with the European nations, the U.S. adopted social security later, still lacks family allowances and universal health insurance, and continues to lag in population coverage and expenditure levels. Many of these policy differences are explainable not only by the absence of a legacy of *noblesse oblige,* the book suggests, but more directly by a different sequence in the development of democracy, industrialism, and a capable central bureaucracy.

As we saw earlier, welfare state initiatives in Europe came about through the coincidence of industrialization and political mobilization. European nations had the social and political impetus to enact social measures and the bureaucratic means to put them into effect. But in the crucial 1880-1930 period, when social insurance was starting up in most countries in Europe, America had wide political participation, a mobilized working class, but no central bureaucracy perceived capable of administering such national programs. The book indicates that even though "late starters" such as the United States have increased program scope and spending very rapidly in recent years, they still have not managed to catch up with the social security spending levels of earlier starters.

Interestingly, the same factors that delayed comprehensive social insurance in the U.S. produced an earlier commitment to mass public education here than in Europe. In America, participatory politics at the state and local levels allowed diverse interests to make schools cater to individuals' occupational aspirations and to avoid rigid entry requirements for newly emerging occupations. But European central education ministries were able to use post-primary education to serve national labor market policy through the control they exerted over entry and degree requirements.

It should be obvious that while we should conceive of the welfare state in broad analytical terms, we must also take into account the considerable and persisting differences among the nations' rates and types of policy development and how government centralization and other national variations will shape future evolution.

Differences between nations continued to show up in the ways welfare democracies responded to the stagflation in the 1970's. As we have seen, there is much written on a widespread "crisis of the welfare state," consisting in bloated budgets, insatiable demands, fiscal deficits, overload, obsession with equality, eroded incentives,

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and widespread disillusionment with government. But the three last chapters in Flora and Heidenheimer show that the evidence of a deep, generalized crisis caused by runaway welfare states is very uneven indeed.

It is true that since 1950 social expenditures and public expenditures as a whole have increased faster than the gross national product. But large differences in current levels still exist. Also, there is no link between high welfare spending and low economic growth. Top spenders do not seem to have harmed their economic growth.

As to obsessions with egalitarian policies and their possible effects on incentives, a formidable summary of existing data on changes in income distribution in the West from the nineteenth century to 1970 suggests that the great advance toward overall equality during most of this period may have actually stopped or been reversed in the last two decades. As to the changing positions of particular income strata and the effect of these changes on incentives, it is true that the top 10 percent of income recipients lost ground in every country over this entire period, but the upper-middle income stratum, whose economic behavior would seem to be crucial to an analysis of incentive effects, appears to have gained ground. The lower-middle class and poor also gained, but only slightly.

Furthermore, if the welfare state is in trouble from the standpoint of public attitudes, it is not universally apparent in the studies reported of tax revolts and welfare "backlash." Nations differ greatly on such indicators. The intensity of such protests, moreover, does not seem to be explained by "objective" policy effects such as high spending or high tax levels, but rather by matters of perception and political structure. That is, whether a nation experienced tax rebellion or antiwelfare state feeling in the 1960's and 1970's depends primarily on whether it had more visible taxes and rapid tax increases, but not on high tax levels alone. Backlash was also more likely in politically decentralized, socially heterogeneous nations, and where different parties frequently alternated with each other in taking control of the government, so that electoral competition between them was intensified.

Especially significant is the finding that the rapid acceleration of spending during the 1960's is not evident in the 1970's. The rate of increase has slowed. Since we can assume that no major changes of the sort critics call for have occurred, this deceleration has apparently not required structural reforms. It is possible that a climate of restraint is simply taking hold of the public and their governments. Perhaps under current conditions electoral systems are just as capable of enabling parties to compete over who can spend less as they competed in the past over who can spend more.

The studies in this book suggest that the Western welfare state is not facing any immediate breaking point. Broadly conceived, it is likely to persist for some time. This does not mean it will not change: ". . . neither demographic, nor economic, nor political 'laws'

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would seem to dictate that welfare state adaptability will necessarily be lower in its mature phases than it has proved to be during precedent eras." That adaptability will take specific forms that reflect national structures pinpointed by the book. In the U.S., "Those who want to return to a 19th-century utopia of individualistic self help play a much larger role in the political discourse" than in Europe. There probably will be fewer comprehensive national programs, more responsibility shifted to subnational governments and the private sector, special concentration on the worst-off, and more diversity in the structures of delivery. But underlying these changes will still be the types of forces—an aging society, industrial decline and renewal—that gave rise to earlier requirements for security. In the end, "we shall have more extreme discussions of choices to reduce the welfare state than are at all likely to be reflected in policy."

Perhaps these discussions will lead to policies that enhance economic productivity while simultaneously alleviating distress and inequality. Such a conception of the possible compatibilities between welfare measures and economic development was characteristic of the welfare states' growth and reform eras, and seems to have retained a stronger hold in Europe, especially on the continent. Anglo-American social policy, however, has become identified almost exclusively with antipoverty goals. It may be no coincidence that in these countries the welfare state debate is now most alive. Perhaps the options surveyed in the Flora and Heidenheimer book will help these governments escape the limited choices among welfare policies that characterize current policy studies and political rhetoric.

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CURRENT READING

Do Socialists Want to Govern?

The Economist of London (August 7-13) made note of a decline in the number of socialists and social democrats serving in European cabinets. In 1975, it published a survey showing that of the 231 cabinet ministers in fifteen European countries, 125 were socialists. But by 1982, a current survey revealed, the number of socialist ministers had dropped to 94, even as the total number of ministers in these countries had increased to 258 (see table).

Cabinet positions in Europe are not allocated strictly according to the percentage of popular vote that a given party receives. When one party obtains a clear majority, it is winner-take-all; but in most cases rule is by coalition. The socialists had previously been quite successful in participating in ruling coalitions, thus increasing the percentage of cabinet ministries in their hands relative to their percentage of the popular vote. In 1975, although the socialists had drawn little over 31 percent of the vote, they accounted for more than 54 percent of the ministers. But times have changed—the socialists now represent only around 36 percent of cabinet members. *The Economist* explains:

> It is only partly a question of declining electoral support. Despite the large swing to the Socialists in France, there has been an overall drop in Socialist support across Europe. Yet for the most part this has been marginal, and far from uniform (in nine countries the Socialist vote has gone down, but in six it has increased). In some countries Socialists have clearly left government at the behest of the voters (Sweden in 1976, Britain in 1979, Norway in 1981, arguably Luxembourg in 1979). But in several countries they have been excluded (or have excluded themselves) from coalitions which would have commanded a firm basis of electoral support (notably Belgium and Holland).

One may expect a reasonable amount of ebb and flow at the polls for any party, but the latter explanation—the refusal to join coalitions—is most intriguing, and apparently something of a new phenomenon.

Of the fifteen countries in *The Economist*'s survey, five—France, Austria, West Germany, Denmark, and Finland—are governed by socialists, ruling either alone or as the largest party in a coalition. In Italy and Switzerland, the socialists are the minority party in the governing groups. In seven of the countries—Iceland, Ireland, Britain, Belgium, Luxembourg, Norway, and Sweden—the conservatives (Christian Democrats, Tories, etc.) are in power, and the socialists

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are out altogether. (At press time, Holland, the fifteenth country, was awaiting the results of its national election.) *The Economist* notes:

> In Sweden and Norway, long Europe's Social Democratic strongholds, Socialists have adopted an all-or-nothing approach, preferring to see minority governments formed by weaker right-wing parties rather than explore the center ground themselves for coalition partners.

With regard to political programs and outlook, the socialists in Sweden have more in common with the Liberals than do the Conservatives; yet it is a coalition of conservative and liberal parties that rules the country. This kind of situation obtains in Norway as well.

In addition, the accelerating radicalization of some of the socialist parties has begun to pose some problems for coalition building. One difficulty is that the radical positions are not stable: Even as one position is accepted by a party, some members are advancing another, more extreme one. The result is a spiralling effect that leads the party increasingly away from the political mainstream. And so it is difficult to conceive of the British or Dutch Labor parties, for example, given their positions on the Alliance and other matters, forming a coalition with more moderate parties in their countries. In the first place, it is questionable whether the more moderate parties would be willing to join with them; but perhaps more important, radicalization has led, as *The Economist* puts it, to "a self-righteous refusal to accept any compromise," a position that "is incompatible with democratic principles." So it is possible that these parties, in becoming more and more radical, are decreasing thereby their chances of ever returning to power. As Aaron Wildavsky writes in this issue, as they become more "sectarian," they are likely to make themselves into a permanently dissatisfied opposition.

TABLE. *European Cabinet Membership by Party—1975 and 1982*[1]

Type of Party	1975 Number of Ministers	1975 Percentage of All Ministers	1982 Number of Ministers	1982 Percentage of All Ministers
Socialist/ Social Democrat	125	54.1%	94	36.4%
Conservative/ Christian Democrat	58	25.1	97	37.6
Liberal	29	12.6	27	10.5
Others	19	8.2	40	15.5
Totals	231	100.0%	258	100.0%

1 Source: "Europe's Socialists are losing their taste for power," *The Economist*, August 7-13, 1982. Data are from fifteen countries (Austria, Belgium, Britain, Denmark, Finland, France, Holland, Iceland, Ireland, Italy, Luxembourg, Norway, Sweden, Switzerland, West Germany).

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The Tenure Itch

As part of a larger study of the political views and behavior of faculty members of American universities, Professor Seymour Martin Lipset of the Hoover Institution surveyed the views of academics toward one another—specifically, toward those who are generally considered to be the "top people in each field." (Seymour Martin Lipset, "The Academic Mind at the Top: The Political Behavior and Values of Faculty Elites," *Public Opinion Quarterly*, vol. 46, pp. 143-168.) Lipset divided his sample into five groups: first, the most prestigious, the members of the major honorific societies such as the National Academy of Sciences and the American Philosophical Society; and then, the members of the faculty at each of the four "tiers" of schools as defined by the American Council on Education, in descending order according to how selective they are, how affluent, and how much is spent on research. His findings:

> The less achieving faculty exhibit a great deal of *ressentiment* toward scholars who have been more successful than themselves. Those who are much more involved in teaching than research, who have published less, and who earn less, are more prone to explain success within their profession in invidious terms, to see the cards stacked unfairly in favor of those at the top.
>
> Both the 1979 survey of members of the academies and the 1977 study of a national cross section of faculty posed a series of questions dealing with the reasons why "top people in my field are successful" (see Table I).
>
> Among the faculty at large, the higher the status of their institution and the more they have published, the more likely they are to accept noninvidious explanations of academic achievement. The "top people," those elected to the academies, are disposed to see their success primarily as a function of intellectual ability (see Table I). They are much

TABLE I. *Reasons for Success in Academe*[1]

	Agree with Statement			
The Top People in My Field Are Successful Because:	Faculty in the Academies	Tier 1 Faculty	Tier 2 Faculty	Tier 3-4 Faculty
"They are more effective 'operators' than others."	43.5%	60%	65%	68%
"They have had many advantages."	49	49	53	58
"They are brighter than most others."	87	75	68	57
"They are more effective promoters of their careers."	71	88	88	90
"They have done more important research."	91	78	69	60
"They have had sponsors who helped them."	64	72	71	74
(*N*)	(375)	(846)	(988)	(1186)

1 36–69 years of age.

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less likely than other faculty to identify high scholarly status with being "more effective operators" or "more effective promoters of their careers." Conversely, they are more prone to see the academically successful as being "brighter than most others" and having "done more important research."

In spite of the correlations between status and attitudes toward sources of success, there is a considerable degree of consensus in the responses to most of the items. An overwhelming number of those in the lower tier institutions accept the proposition that "the top people are successful" because "they are brighter" and "have done more important research." And a large majority of the scholarly elite recognize the importance of sponsorship and effective career promotion in attaining high academic status.

But the *ressentiment* of the nonelite against the successful, evident in their responses to the "effective 'operators'" item, shows up even

TABLE II. *Attitudes to the Research Granting System*[1]

ATTITUDES	FACULTY IN THE ACADEMIES	TIER 1 FACULTY	TIER 2 FACULTY	TIER 3-4 FACULTY
I. "Eminent scientists and scholars are more likely to receive research grants than others who submit proposals of about the same quality."				
Strongly agree.	34%	53%	64%	68%
Agree with reservations	47	36.5	28	24.5
Disagree with reservations	9	6	3	2
Strongly disagree	2	2	0.4	0.7
II. "The past work ('track record') of scholars and scientists should *not* count in appraising their applications for funds, only the quality of the proposals should be considered."				
Strongly agree	1	12	19	27
Agree with reservations	10	18	24	30
Disagree with reservations	33	39	38	29
Strongly disagree.	50	29	15	9
III. "The 'peer review' system of evaluating proposals for research grants is, by and large, unfair; it greatly favors members of the 'old boy' network."				
Strongly agree	2	12.5	21	29
Agree with reservations	10	30	39	41
Disagree with reservations	34	34	28	20
Strongly disagree	46	21	8	5
(*N*)	(375)	(846)	(988)	(1,186)

1 36–69 years of age.

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more dramatically in the answers to three questions dealing with the system of awarding research grants. The less achieving tend to attribute their own lack of success to a system of research grants in which the rich get richer and the poor stay poor. The relationship between academic status and opinion is among the highest in these data. Only 12 percent of members of the academies agree that the " 'peer review' system . . . is unfair," that it "favors members of the 'old boy' network," compared to 42.5 percent of those at Tier 1 universities and 70 percent of faculty at Tier 3 and 4 schools. A similar small proportion of elite scholars (11 percent) feel that "past work" should not count in evaluating applications for funds, a position taken by 30 percent of Tier 1 faculty and 57 percent of those in the two bottom tiers (see Table II).

The only surprising aspect of the association between academic status and attitudes toward the equity of the research granting system is its strength. Even more startling is the finding that similar relationships hold up among the members of the honorific societies. Those lower in productivity are more likely to think the system is unfair. 41 percent of those who have published less than 100 articles strongly agree that eminent scientists are more likely to get research grants for applications of comparable quality; only 30 percent of the academic elite who have published more agree to this. And 49 percent of scholars high in article output strongly disagree that the "peer review" system is unfair, that it "favors members of the 'old boy network,' " while 38 percent of those who have less than 100 articles in print feel this way. These patterns also hold up with respect to variations in grant-obtaining record.

The Paradoxes of the Small Business Administration

A certain Small Business Administration (SBA) program is simultaneously a fantastic success and a dismal failure, depending on how you look at it. According to a recent *Wall Street Journal* article by Brooks Jackson ("Unlikely Borrowers," June 8, 1982), the SBA has lent nearly $1 billion at very favorable rates to 488 privately owned "small business investment companies," which are supposed to reinvest the money in promising small businesses. Is the program a success or a failure? In fact, it seems to be both. Jackson writes that:

> The investment-company industry argues that it aids many legitimate, expanding small companies that create jobs and spur economic growth. And indeed, SBA-backed investment companies have helped finance such glamour companies as Federal Express Corp., Apple Computers Inc. and NBI Inc., a maker of word processors.
>
> But under current law, almost any sort of business qualifies for financing if it meets SBA's definition of "small," and more than 98½ % do. The investment companies have financed such questionable small enterprises as a rock-concert promoter in Alabama, a string of X-rated movie houses in Florida and a chain of homosexually oriented Turkish baths in Southern California.

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One might think it would be easy enough to distinguish between borrowers like Apple Computers and the more disreputable ones, and to direct funds only to the former. But it may not be possible to have one without the other. For example, SBA auditors recently discovered that one loan recipient, Show World, Inc., was "... engaged in the retail sale of X-rated books, magazines, sex aids and stimulants, and the showcasing of X-rated films, live sex acts, nude dancers, etc." The auditors complained, only to be told by SBA lawyers that "this was a legitimate business, licensed by the city and state of New York," and by an investment industry spokesman that a ban on loans to such businesses would constitute government "censorship."

The investment companies were eventually badgered into selling off the Show World loan, but abuses seem inevitable. The program director, Robert Lineberry, estimates that 25 percent of the investment companies are "problem" cases. Whether anything can be done to reduce such problems is doubtful. Besides refusing to lend more money, practically the only other thing the SBA can do to a shady investment company is revoke its license, which is generally considered a very harsh penalty. "You either slap their wrist or execute them," says the program's Inspector General.

The SBA is also involved in another sort of paradox, one in which some obviously very well-off people declare themselves disadvantaged in order to qualify for loans from SBA-lacked "minority enterprise" investment companies. One such case is Donald A. Nixon, a nephew of the former U.S. President, who declares "I'm socially disadvantaged" and indeed, he technically qualifies as such because he is a Vietnam veteran. Mr. Nixon used his $45,000 SBA-backed loan to buy gold claims in the Lake Tahoe region. Similarly disadvantaged borrowers include Avelino Gutierrez, a Mexican-American lawyer who along with his wife has a net worth of $2 million, and a group of Asian-American doctors and dentists, one of whom makes nearly $200,000 a year.

Perhaps it is simply unrealistic to expect the distinction between promising and shady businesses, and between disadvantaged and well-off borrowers, to be obvious, or to think that a program can always direct its resources at one and not the other. But Congress seems determined to stick with targeted loans. Jackson reports that Congress is considering increasing federal aid to small business investment companies from less than $200 million in this fiscal year to $265 million or $290 million for next year.

The Underground Economy Meets Urban Renewal

When Marx wrote that the market knocks down the Chinese walls of traditional societies he probably was not thinking of St. Louis, but nonetheless his remark does have a certain relevance for that city, as *The Economist* (April 10, 1982) reports:

> Residents of the near northside of St. Louis often wake up to a strange sight these mornings. A house that was there the night before is gone,

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> its bricks stolen and a pile of debris left to mark the site. . . . The houses, abandoned and sometimes condemned, are targets for roving thieves called brick bandits. True to their name, they steal the bricks and dispose of them to dealers who, in turn, ship them by the trainload to the booming areas of the sunbelt. A good many of the "instant heritage" buildings now in fashion began in a St. Louis ghetto.

The city is doing what it can to stop the bandits, so far without much luck. For one thing, brick banditry is just too profitable; a houseful of the antique-looking bricks—handmade by the Irish and Italian immigrants who used to inhabit St. Louis's ghettos—is worth as much as $2000. Moreover, there are not many sanctions the city can bring against a bandit. Demolition without a permit carries fines of up to $500 and a jail term of 30 days, but so far no bandit who has been caught has received more than a $100 fine. Oddly enough, the city has discovered that some houseowners are on the side of the bandits, who may represent the cheapest way to demolish an unwanted building. According to *The Economist:*

> If the city can find the owner of the stolen building it can file a felony complaint against the bandits. But tracing the absentee owners is often difficult, and on occasion the inspectors find that the owners wanted the building demolished anyway. In the only case brought to trial so far it emerged that the owner actually hired the bandits to avoid paying the city $50 for a demolition permit and $200 to disconnect services.

It seems Marx was right about the Chinese walls; he just never thought their bricks would be used to build condominiums in Florida.

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